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CHEROKEE SOVEREIGNTY.

FEW subjects within our recollection, have so much interested the public mind, as the question of conflicting jurisdictions, now agitated between the Cherokees on the one side, and Georgia and the General Government on the other. This interest, we conceive, it may not be difficult to account for, without the unpleasant necessity of impugning the motives of any party; and we are among those who consider such a course dishonorable in fact, as well as something worse than useless in argument. Men may be out-faced in this way, just as they might be *out-lunged*, to use Wesley's expression, by disputants of a certain description; but they will seldom be convinced, and never conciliated. This is not the period for reasoning *pugnis et calcibus*, if there ever was such a period. Ribaldry and denunciation are but little better between individuals, than the method of fighting by proclamation (between States) adopted by the renowned William the Testy. That potentate, as the veracious Knickerbocker assures us in positive terms, proposed by the aforesaid instrument to exterminate the Yankees from Connecticut, so that in all their towns, not one stone should be left upon another. Questionless, this was a most sage contrivance, worthy of Panza himself—the most remarkable of all Governors, inasmuch as he governed an island upon dry land—a very sage contrivance, but as ill luck would have it, wholly ineffectual. As the Yankees did not even answer the Governor's document, much less ask pardon for intruding on their own borders, it had not even the virtue of the good-natured gentle-

man's stories in the old Spelling-book. Such, generally, is the virtue of hard words. There is about the same persuasive and healing power in abuse as in brick-bats.

Not to subject ourselves to the charge we are laying at our neighbors' doors, it is proper for us to say, that we are making no personal and no party allusions. It is easy to imagine, and perhaps not difficult to prove, were it worth proving, that there has been too much sensitiveness, and too little complaisance upon both sides. It is sometimes forgotten, that many of the Georgians and of those who favor them, may be earnestly sincere in their belief of the doctrine of unqualified state sovereignty which they assert; that they may estimate the honor of that sovereignty more than the mere dollar-and-cent value of the Cherokee soil; and that, at all events, as the point is a vital one, of which most of the old Colonies have, at some period or other, been specially tenacious, it does not become *them* to cast the first stone of reproach. On the other hand, the warm sympathy with the Indians, cherished among another party, which is probably more numerous in the Northern than in the Southern States, may as well be attributed to benevolence, we suppose, as to malice. These men in our day, like the English Elliots and the Spanish Las Casas of other days, *have been interested in the experiment of Indian civilization, without reference to such a system or country.* They have been interested in other cases, as well as in this. They have studied the intellectual and physical capacity of the natives, and knowing, independently of abstract principles, the slow stages by which every civilized people on earth have advanced from the state of nature, they have fostered high and dear hopes, which do their hearts at least no discredit, that, in despite of casual difficulties, unprecedented in the history of men, in the lapse of centuries, if not of years, something might be effected, even with the Indians. Even these hopes, vain though they may have been, and unsatisfied as they certainly are, should be their apology. Something should be conceded to the province of benevolence; and, as the Cherokees have long been subjects of their peculiar effort, something to the pride of success. Such concessions are but a fair offset to the much that Mr. Hayne holds "must be forgiven to the spirit of freedom."

As we have disclaimed alluding exclusively to either party in this case, we must also disclaim all indiscriminate allusion to both. There has been gentlemanly and logical discussion on either hand; and it is only because we desire the continuance of such discussion, that we would discountenance the

more vulgar warfare. The question in dispute is one in which we are interested as citizens of the Union; and as citizens we claim to think freely and speak freely. And it is difficult, too, we confess, as it is important. It is interwoven with the construction of a large part of the negotiations of the Government. It is connected with the general and the political history of the country, *ab urbe condita*. It involves considerations of natural, national, constitutional and municipal law. We should enter such discussions calmly. Let the passions of men be appealed to by the medium of the intellect, but not the intellect by the medium of the passions.

We are aware that the question of the right of the Cherokees to a sovereignty over the soil which they claim, has been agitated as a question of expediency. We shall not consider it, however, only in that light, and we trust that the manner in which we *shall* consider it, may show that such a light is not the true one. It is worthy of remark, too, that even the writers we refer to, while they use these general expressions, refer to 'higher principles.' It only remains to be seen whether they refer to them thoroughly and correctly.

From the method of reasoning, then, which themselves have chosen, they appear to believe, and at all events *we* believe, that if the Cherokee claim can be shown to be sanctioned by natural law, the authoritative value of that sanction need not be insisted on. The foundation of that law is in reason. It came forth from the bosom of God: and long before its reduction to codes and commentaries, it had been acknowledged as inseparable from our nature, immutable, eternal. Neither the Senate nor the people, says the illustrious orator and jurist of Rome, can dispense with it. It is the same to all men, at all times, in all places—"because God, who is the author thereof, and has published it himself, is always the sole Sovereign of mankind."* "*No human laws,*" says Blackstone, "*are of any validity, if contrary to this;* and such of them as are valid derive all their force mediately or immediately from this original."† The writers are full of illustrations of this principle: and the courts of common law practically recognise it every day in setting aside the most solemn contracts and conditions between men, for breaches of morality, or in other words, of the law of nature.

The supremacy of these laws being allowed, then, and we have never known it denied, it remains to ascertain them. Mr. Bell allows that "all civilized nations acknow-

* *Cicero de Repub.*

† *Com. vol. i. p. 40.*

ledge the validity of the principles appealed to—*according to their understanding of what they are.*” “The Indians,” says the N. A. Reviewer, “are entitled to all the rights which do not interfere with the just claims of others”—(and *therefore* we discuss this question as a question of right, and not of expediency.) As he soon after appeals to the supposed ‘intentions of the Creator,’ as declared by the elementary writers, to settle this point, we suppose he would test the ‘justice’ of the claims he speaks of, as of course they must be tested, by the laws of nature. Again, he speaks of our jurisdiction or claim of jurisdiction over the Indians, as founded on the *principles* we have already discussed, and supported by our own practice, &c. We must enquire, then, what those principles are. This, it would seem, is the main-point in dispute. We do not differ from these writers in the tribunal of appeal, or in the manner of ascertaining its decision, so much as in understanding the decision itself.

How then is the law of nature, and the law of nations, which is the application of it to political societies, to be interpreted?

The Reviewer has settled this question in his own case, by appealing to the elementary writers, of which appeal we shall presently see the result. But if these are the referees, let us know what demands are to be submitted to their arbitration, and by what parties; and we shall answer this question also in the Reviewer’s own language:—“The relative rights and duties of savage and civilized nations.” This is a fair statement of the point in dispute. The question of Cherokee sovereignty is not to be determined, then, by the ‘laws of the various states, founded essentially upon the English common law, modified by our peculiar circumstances;’* nor by the laws of the American Union, by which the citizens of the Union only are bound; nor by the claims of civilized nations, and far less by the practice of a few of them. The obvious reason is, that such a course would be making pretensions the test of reason, and not reason the test of pretensions. It would be adjusting the law by the litigations of the parties; and, worse than all, by the declaration of the plaintiff alone. It would be giving the claimant judgment of his own cause—an absurd procedure, which, being contrary to natural justice, the highest authorities in English jurisprudence have held that Parliament, with all its constitutional omnipotence, could not rightly enforce, even against English subjects. So far

* N. A. Art. p. 112.

as the Reviewer would estimate "the rights and duties of savage and civilized nations," by the principles of intercourse which the latter, or some of them, have 'prescribed,' and by the title which they have 'asserted;'* so far, we protest against the estimate as null and void. As under the municipal law of our own country, all citizens are equal, and their rights and duties are decided only by tribunals which all have agreed in appointing, so, under the natural law, which, as we have seen, comprises and controls every municipal, in precisely the same sense that every municipal comprises and controls every subordinate, jurisdiction within its boundaries. "All *men* are born free and equal." Such is the expression, we believe, of the Constitution of Georgia; but certainly of most of the States, and of the Union. The right of the Cherokees must be determined, neither by their own claim of sovereignty, nor by the mere protest of Georgia, or any other State or nation against it, however "supported by *our own practice*," but by the supreme law, binding alike upon all men and upon all nations.

It will be seen we have urged an important distinction. We shall not enquire why it has been overlooked. Enough for us, that it is clear as it is important. In all its minor applications, it is every day recognised by every department and species of law. Does the encroachment of one man on the land of his neighbor give him either the right of property, or the right of deciding his neighbor's, because insisted on by himself, and supported by his own practice? Is it competent for him to create a title by 'asserting' one, or to legalize 'principles of intercourse' by prescribing them? We conceive not. How, then, can the principle be rejected, and the distinction be overlooked, where both are of most importance in the litigations of States? To illustrate this subject by a humble comparison—we suppose natural law, as applied to nations, to be analogous with the English common law, as applied to English subjects. Indeed it has been called, very aptly, the *lex non scripta* of nations. Now the English common law "*is to be found in the opinions of sages, and deduced from universal and immemorial usage*;"† and all we contend for is, that the natural or national 'common law' should be ascertained in the same manner. The Reviewer, indeed, adopts this mode of interpretation, so far as to appeal to the *opinions of sages*, under the name of the 'elementary writers,' and so far we believe him correct. But beyond that,

* Same, *passim*.

† Chancellor Kent. Comm. vol. iii.

instead of relying upon 'universal and immemorial usage,' he relies on a modern usage, confined to two or three particular nations, nay, to one nation. For, as the Reviewer himself shews quite elaborately, and, as Mr. Bell shows after him, the different nations possessing colonies in America did not even agree as between themselves. In practice, they were repeatedly at swords' points, in distributing the booty of the new world. As for theory, the English only supported the practice of obtaining the soil by treaty. The French '*judged for themselves*' not only the right of obtaining it peaceably, but, when land was wanted by one party, and could be spared by the other, and what consideration should be paid, &c. The Dutch followed pretty closely the English principle of purchase, 'prescribing' only the additional and evidently binding 'principle of intercourse,' that the weigh-master-general of the peltry procured of the Indians was to be a Dutchman; and there being no weights for the scale so 'expedient,' his foot was to be considered a pound weight, and his hand a half. This latter usage the Reviewer would probably consider of great weight. It was putting things on a fair footing. It was turning the scale of right in favor of civilized nations. It was 'supported by long practice,' and recorded by Knickerbocker. Thenceforth, of course, it should be deemed a part of the law of nature, and, perhaps, will be brought up, in the course of this enquiry, to determine the right of the Cherokee sovereignty.

But, to proceed, the Spaniards went a few points further. It was *their* principle of intercourse with the nations to take the trifling liberty of working them like so many cattle. This was manifestly just, however, because supported by their own practice for centuries; though a difference was observable in 'the practical application of the claim,' after Paul III. in 1557, enacted by a bull, that the Indians were neither graven images, nor semi-human baboons, but *bona fide*, rational men. About the same time, the crown ratified the jurisdiction which Pizarro 'asserted' over them. He had invaded that empire, (not only without regal authority, but expressly against it,) at the head of some 180 banditti, 1 or 2 monks, and 20 bulldogs. This was just, however, because it was expedient. This also bears with great force against the right of Cherokee sovereignty; and our right of judging for ourselves upon that point, is further confirmed by the fact, that the said Pizarro, with the advice and assistance of a board of the said banditti, under the blessing of a monk, and with the regular co-operation of a hangman, adjudged and effected the execu-

tion of the Peruvian Inca, for having proved that the said Pizarro could neither read nor write. The Portuguese practice is less important in this system of reasoning, having been manifested chiefly in the Eastern hemisphere. That of the Pope, however, affects not only the Cherokee right, but the rights of the United States, most materially, and both for the same reason—to wit, that his holiness, as the viceroy of St. Peter, by one of these instruments above-named, (which, like the charters and grants of lay sovereigns, seem to have been fulminated, at that time, much in the same manner with the proclamations of William the Testy,) most generously divided all the known and unknown world, then inhabited by heathen, between the Spanish and Portuguese. Now it would be heretical to suppose that Alexander would assert a title which he did not possess, much less undertake to convey one. Indeed, assertion, supported by practice, is not only *prima facie*, but *irrebuttable* evidence of right. Not only the Cherokees, then, but the United States, may be syllogistically disfranchised in the twinkling of an eye. The Pope, or the grants of the Pope, may even call upon the Russians in the northwest, and the English on the north ‘to give up,’ and say to the Republics in the south ‘keep not back.’ The English made discoveries and asserted claims, but these were too late in the day. The globe was already bisected, for the use of Spain and Portugal, by a line running from pole to pole, 100 leagues west of the Azores. These two parties assert the entire title of the Pope, and the Pope, of St. Peter; but the title of St. Peter is evidently prior to that of Henry VII., Elizabeth, or James I.; therefore the Cherokees, &c. have no sovereignty. Further argument would be superfluous. Not even the etymology of the word *mango* is traced more clearly in Salmagundi, than the conclusion we have arrived at. We might have saved words, to be sure, by beginning the syllogism at the latter end; for we see little difference, in propriety, between a right, and an argument by assertion.

But to be serious on a subject too grave to be trifled with, whatever the color, or character, religion, population or government of the Cherokees may be, they cannot be denied to constitute a nation, even if the General Government and the Government of Georgia had not admitted them to be such a nation, being, as Vattel defines it, nothing but a body politic, or a society of men united together for the common welfare; and even the Reviewer speaking in the same terms of ‘savage and civilized nations.’ In this capacity, while they are protected by the ‘common law’ of nations, founded on the

law of nature, just as every English subject is protected by the English common law, they are no more bound by any contract or usage between other nations, far less by any adversary claims of such nations, than under the common law, the citizens of the county of Kent are bound by a usage of the livery of London, or an Englishman by the law of France, or A. by an agreement between B. & C. As A. has nothing to do with the law of contracts, till he enters into contract in person, the Cherokees have nothing to do with the treaties or usages of England and Spain. The one is founded upon express, the other is founded upon implied consent; but neither can bind any but the contracting parties. This is no subtle or unauthorized distinction. We have shown it to be recognised by common sense in theory, as it is by common law in practice. But to satisfy those who rely on illustrations and discussions of learned and able men, let us appeal to the 'elementary writers.' There is a natural law of nations, says Chancellor Kent, and a positive law. "By the former, a State, in its relations with other States, is bound to conduct itself with justice, good faith and benevolence." He describes the positive law elsewhere, as "founded on *usage, consent and agreement*;"* and as including, for example, the rights of maritime capture, and the principles of the law of prize. With these, uncommercial nations have evidently no concern, as such as have made no engagements have no concern, generally, with the positive law which regulates the rights and duties that arise from engagements. After describing the immutable supremacy of this natural law of nations, which he terms also the necessary law, *Vattel* subdivides the positive into conventional (founded on treaties) and *customary*. Of the latter he observes, "It is only binding on those nations that have adopted it."† "This pretended law of nations, (says Burlemaqui) contradistinct from the law of nature, with a force of obliging, whether people consent to it or not, is a supposition destitute of all foundation—and as to customs established by tacit or *even by express* consent of nations—from this only, that several nations have acted towards one another for a long time after a particular manner in particular cases, it does not follow that they have laid themselves under a necessity of acting always in the same manner for the time to come, and much less that other nations are obliged to conform to those customs."‡

* Comm. vol. iii.

† Law of Nat. p. 54.

‡ Nat. Law. vol. i. p. 137.

Such reason has the Reviewer for supposing that 'the maxims of jurisprudence practically adopted by the rulers of the old world for the government of the new,' are 'founded in the just and relative rights of the parties.' If such a principle could justify anything, it would justify everything. A conspiracy between B. and C. to make such use as they choose of the person or property of A. must be presumed just. The piratical maxims of the Barbary Powers, adopted for the government of Christian nations, and supported by long practice must be founded on the rights of the parties; and so must the slave-trade formerly carried on by civilized Europe. All these absurdities, like the denial of the Cherokee right of sovereignties, have arisen from a single error; and this is the foundation of the Reviewer's argument, as it is of Mr. Bell's. They have undertaken to settle the rights and duties of savage and civilized nations, not only by the positive *instead* of the natural law of nations, but by the former in *despite* of the latter; and furthermore, instead of actually citing even what they professed to cite, they have mistaken for the positive law in its universal sense, modern, conflicting, contradictory and absurd usages or pretensions of one of the contending parties against the other; to wit, of sundry civilized nations, *versus* the Cherokees.

It cannot be necessary to rebut the presumption, which indeed, among all the burlesque presumptions of writers on this subject, we have never seen suggested, that the Cherokees have given an implied consent to the usages and theoretical claims of jurisdiction we have spoken of. In the first place, that would be presuming an absurdity. You may as well construe an individual to give up his life by implication, as a nation to give up its sovereignty—which is national life. You may as well construe the Southern Indians to have agreed tacitly to the Spanish usage of treating them as slaves and brutes, by which the population of Hispaniola, for example, was reduced in twenty years, from a million to 60,000. The principle is the same; and there is more reason for the construction in the latter case than in that of the Cherokees. The Southern Indians had a knowledge at least of the usage and the claim of the Spanish, being obliged to endure both, but it does not appear that the Cherokees have even had notice of the claim we have mentioned, (any more than they have had notice, as the Southern Indians *had*, of the claim of the Pope under St. Peter,) could they be imagined competent to understand, or willing to recognise a title at once so profound and so extravagant. Secondly, this would be im-

plying a consent against the protestations of him who is attempted to be charged with it, which every lawyer knows, no law will allow. Here is not only no consent, but express refusal—not only now, but from the date of the earliest treaty with Georgia herself, prior to any treaty with the Union—not only individual refusal, to which indeed we have no more need of referring than of asking the opinions of private English subjects about the treaty of Ghent, but national, solemn, explicit, present, past, repeated refusal. Lastly, even granting their implied consent to the profound claim, and the *ex-parte* usage of Europe, if these are against the law of nature, not to say grotesquely absurd, and flagitious, they are not binding. The consent is of no force: “for if a custom, (says Vattel,) contains anything unjust or illegal, *every nation is under an obligation to abandon it.*”^{*} So Burlemaqui, in addition to what we have cited above—“Customs are so much the less capable of being obligatory as they may happen to be bad and unjust, &c.”[†] and even the Reviewer allows, that “their (colonial, &c.) example or authority cannot justify us in any system of oppression,” though we may ‘presume,’ &c.—and that if circumstances did not and do not justify such pretensions, “their interference was culpable, and so would be ours.” In short, we cannot avoid appealing to the law of nature, the only universal one. That must determine the force of usage, and the validity of claims;‡ being itself ascertained, as the Reviewer ostensibly ascertains it, by “the illustrations and discussions of learned and able men.”§ There being no pretension of either immemorial or universal usage in the case, we *must* resort to the opinions of sages: and to be in still better unison with the Reviewer, we shall adopt his own authorities.

“*All mankind*, (says Vattel,||) have an *equal* right to the things that have not yet fallen into the possession of any one, and these things belong to the first possessor.” And again, “The earth belonged to all men in general. Destined by their Creator to be the common habitation, all nature has the right of inhabiting it, and deriving from it the things necessary for their subsistence, and suitable for their wants.” Savages, then, may acquire precisely the same possession of soil with civilized nations. But how far can this possession, in either case, be fairly construed to extend? for here we admit, what is almost every thing the Reviewer cites and relies on,¶ that

* Law of Nations, p. 54.

† Same.

|| B. i. c. 18.

‡ Natural Law, vol. i. p. 138.

§ N. A. Art p. 92.

¶ N. A. Art. p. 95.

rude tribes of hunters are not entitled to claim and retain all the boundless forests through which they may wander ; and that they have no right to complain, if a nation of cultivators put in a claim *for a part* ;* or, in the words of Chancellor Kent,† that erratic tribes of savage hunters and fishermen, who have no fixed abode or sense of property, and are constantly engaged in the chase or in war, have no sound, or exclusive title to an indefinite extent of country, &c. But these very passages imply, as clearly as language can imply anything, that savages are entitled to claim and retain a *part* of their boundless forests ; and that, to a *definite* extent of territory, they may have both a sound and an exclusive title, even while they continue rude and erratic, with no sense of property, and constantly engaged in the chase or in war ; in other words, they have a right to the soil, by virtue of being men, and not by virtue of being cultivators. Whether they shall proceed to improve this right by fishing, by luxuriously living without labor on the natural emblements of the land, as the early Greeks did ;‡ or by the manlier and severer habits of the hunter ; whether by manufactures, grazing, commerce or agriculture ; and whether, if they choose the latter, they shall rely on it wholly or not, or shall cultivate in the Indian§ or the Chinese, the Italian or the English style. All this is a consideration of domestic policy which every nation does and must regulate for itself ; so it consults only its own taste and condition in architecture and dress. If the Dutchman and Spaniard may require that the Indian's ' forest ' shall be changed into meadow, or his squash field to a tulip garden or an olive yard, they may make his right of property depend on the curl of his *moustaches*, or the volume of his *breeches*, first obliging him to wear both. If our views are not justified by common sense, nor illustrated sufficiently by the analogy of the common law, which every one knows allows each landholder to till, or to empark and afforest his own land, in his own way, let us invoke the ' elementary writers ' again. Having shown us that all men have an equal right to occupy what is before unoccupied, they recognise the principles, that " occupancy is the foundation of all property ; "|| that " it is agreed on all hands, occupancy gave the right to the *permanent property in the substance of the earth itself*, which excluded every one else but the owner from the use of it ; ¶ and,

* Vattel.

† Mitford's History of Greece.

‡ Com. vol. ii. p. 258.

† Comm. vol. iii.

§ Homey's Annals, Maltebrun.

¶ Same, vol. i. p. 8.

of course, that only "so long as migration was confined to a *desert*, and *inhabited* countries, if kept strictly within the laws of nature."* It is next settled what shall be deemed a 'desert' country, or, to use Vattel's phrase, a country 'without a master;' in other words, what is such a possession or such an occupancy as can be the foundation of the exclusive and perfect property we have spoken of. It is conceded that the wandering of savages over a continent is no such occupancy of the whole. Nor is this because they are savages, but because a definite right cannot be founded on an indefinite claim, and indefinite property on an indefinite possession. This is only the application to savages of the same principle which civilized nations have held good against each other. It is denying them a right to a whole continent, by virtue of *discovery*, as France denied England a right, as against herself, to territory beyond the Mississippi, by virtue of having discovered and settled the Atlantic coast. "Such a claim, (says C. J. Marshall,) might, without derogating from the principle acknowledged by all, be deemed extravagant."† It is also conceded that "their removing their habitations through these immense regions cannot be taken for a true and legal possession"‡ by the Indians. So, neither all the usages of civilized Europe, nor the grants and charters which proposed to convey the same territory, again and again, to corporations and colonies and private adventurers without number; nor the paramount claim of the Pope, who released to the king of Spain all his right, title and interest in a hemisphere not then so much as discovered, nor the setting up of crucifixes on the American coast, nor even actual location and extensive settlements have given one of these nations a 'true and legal possession' of the continent. *Such* a constructive occupancy no other nation would allow. They relied, in this practical arrangement of their claims, and so of course do all other nations rely, the Cherokees in the number, on the principles of the law of nature. "Title, by occupancy, is limited to occupancy, in point of fact," says Chancellor Kent, and he applies this principle to the Indian tribes, by adding in the same connection, "their possession was good and perfect to the extent requisite for subsistence and reasonable accommodation."§ Again, "These nations cannot exclusively appropriate to themselves more land than they have *occasion for*."||

* Same, p. 6.

† Vattel, B. ii. c. 7.

|| Vattel, B. ii. p. 75.

† Johnson v. McIntosh, 8 Wheaton.

§ Com. vol. iii.

What they *have* occasion for, then, they can exclusively appropriate. This writer allows, immediately after, what has never been disputed, that the crowded nations of Europe might lawfully colonize certain parts of the American continent, of which the natives were in no 'particular want,' and made no 'actual use.' All this is in answer to the curious question, "whether a nation may take possession of a part of a vast country, in which there are found none but erratic tribes, incapable of inhabiting the whole." Such is the extent of the doctrine of Vattel, as adverse to the Indian title. The Indians are then, it seems, competent to constitute nations. All nations have the same power of acquiring absolute, exclusive property in the soil of a country, by virtue of the first occupancy, the measure of which is to be determined by their wants. The latter principle is too often repeated to be misunderstood. "People have not deviated from the laws of nature in *confining the Indians within narrower limits*."* "Though the conquest of the uncivilized empires of Mexico and Peru was a notorious usurpation, the establishing of many colonies on the continent of North America may, in their *confining themselves* within just bounds, be extremely lawful."† "The Indians had no right to appropriate all that vast continent to themselves, and, provided that people *are not reduced to want land*, others might, without injustice, settle in *some parts* of a region which *they were not in a condition to inhabit entirely*."‡ It will be unnecessary to urge again, and especially after the authorities adduced, that, as the right of property acquired by occupancy is proportioned to the wants of men, so these wants themselves are determined by their condition. If they acquire right in the state of nature, and the extent of right depends upon the extent of want, so that both go hand in hand, then the want must be referred to the *state* of nature, as the right is referred to the *law* of nature. Civilized nations may or may not agree, till compelled, to mitigate the application of this principle as between themselves; and they may have done so in the settlement of this continent; but, as we have shown, neither claim nor conspiracy on their part, neither usage nor practice can alter the vested right of the Indian. *He*, also, may covenant away his own right, and until he does so, his title as a savage corresponds with his wants as a savage. We have not forgotten, in laying down this acknowledged and self-evident principle, the limitations fixed by the law of na-

* Same.

† B. i. c. 7.

‡ B. ii. c. 7.

ture, even as we have cited it to the Indian title. We ask no immunities for the Cherokees, any more than we do for the Pope or the king of England, to advance extravagant claims. We only contend that what is extravagant must depend upon circumstances; that what is "requisite for the subsistence and reasonable accommodation" of an Indian nation, (like what is to be deemed *necessary* for a minor by the common law,) must be known and settled by the circumstances of the case. Nor do we pass over the position cited by the N. A. Reviewer,* from Chancellor Kent, who cites it from Vattel,† that "the cultivation of the soil was an obligation imposed by nature on mankind," &c. This position must be construed, by comparison with other passages, *pari materia*, and especially by the spirit and the letter of the immediate connection; for, to suppose it the meaning of the writer that every man is literally under strict obligation to cultivate, and, of course, whether he be civilized, or half-civilized, or savage, would be puerile, and not to insist that 'cultivation' itself is a relative term, (the English differing as much from the Chinese in this point, as the Cherokees differ from the English,) it is enough to remind the reader of Vattel, of his habitual use of the word 'obligation.' He is even scrupulously cautious in distinguishing expressly between obligations binding the conscience, which he calls *internal* or imperfect, and obligations *external*, as respecting other men, and producing a right between them. And furthermore—"A nation has a right to do as it thinks fit," when it is under no external perfect obligation; if it makes an ill use of its liberty, it offends, "but others have no right to command it to do otherwise." Again—nations being free, independent and equal, and having a right to judge, &c., there must be "a perfect equality of rights among them, *in the administration of their affairs, and the pursuit of their pretensions*, without regard to the intrinsic justice of their conduct, *of which others have no right to form a definite judgment.*"‡

Obligations of conscience, then, are a very different thing from obligations of law; and are judged by a very different tribunal. Such is the obligation to cultivate the earth. Every man is under the same kind of obligation, in his social relations. So he is under obligation to tell the truth; with the liberty, at the same time, of judging for himself what the truth is, and of telling a falsehood, in most cases, with legal impunity. So Vattel holds, that "nations are under obliga-

* N. A. Art. p. 95.

† B. i. c. 7.

‡ Vattel, p. 52.

tions to cultivate a *home trade*," and "to promote and carry on a *foreign trade*;" and yet "every nation is to choose how far it will enter into commerce." So they are "under obligation to cultivate knowledge and virtue"—"a nation ought to be pious"—"to preserve its own independence," and so ought individuals, he supposes; but no one judges of the obligation, or of the discharge of it for another, and no nation loses its sovereignty, we conclude, either by neglecting to become pious, to cultivate knowledge, or to carry on commerce, or, finally, to carry on the cultivation of the earth; far less, to do, to any certain extent, in any particular manner.

It is easy to understand the doctrine of Vattel, then, without convicting him of inconsistency; and we need not repeat, that while the citations we have made declare the right of property, by occupancy, commensurate with the 'wants' and 'occasions' of men, no distinct line is anywhere made between savage and civilized wants; or, in the innumerable methods which various nations, like the various individuals of particular nations, adopt for procuring the subsistence by which all have the same right. On the whole, it seems to be the only restriction imposed on the right we are treating of, by the law of nature, that every nation shall confine itself within reasonable bounds. What is reasonable, we have seen, must depend on the capacity and condition of men; more being requisite for the 'keeper of sheep,' for example, than for the 'tiller of the soil.' But we are not left to mere speculation upon this point. The Cherokees make no such pretensions to territory as civilized nations can object to, without violating, not only the natural law, but their own 'universal and immemorial usage.' Which of them objects to the sovereignty of Russia over her immense dominions, disproportionate as they are to the number of her nominal subjects? Or of England over British America? Or of this Government over nearly one and a half millions of square miles, occupied by a few hundred thousand savages, even these being "alien and sovereign communities?" Or of Portugal over a territory ten times larger than France, and constituting two-fifths of the Southern continent, but inhabited only by four millions of people? We do not ask, how is the population satisfied, over whom these jurisdictions are respectively asserted, or how far or why they are subject? but whether all civilized nations do not allow these jurisdictions to be valid and exclusive as *between themselves*, while some of them, and those the most powerful, support a population of hundreds to the square mile?

Neither, then, by the natural nor the customary law of nations, can the extent of the Cherokee territory, in its present state, be an objection to the Cherokee right of sovereignty. It may or may not be more than requisite for the subsistence of 15,000 men, even by hunting, as two-fifths of South America, more than suffice for the subsistence of 4,000,000 ; but of this point, that people, like Portugal, must judge for itself. Being a 'body politic,' whatever their former administration of government may be, whatever the color or character of their chosen rules, whatever the ignorance or poverty of the people, they are a nation, entitled as such to a perfect equality of rights with other nations. Their claim, as to territory, therefore, is not merely the claim of 15,000 men in the state of nature, to an allotment of land requisite for their individual subsistence and accommodation ; but the claim of a nation to such sectional domain as is 'reasonable,' by the usage of nations, and to judge that question for itself. Enough for them, that "the law of nations acknowledges the *property* and *sovereignty* of a nation over uninhabited countries of which they shall *really and in fact take possession* ; in which they shall form settlements ; or of which they shall make actual use."*

In objecting to the title of 'Georgia,' or of any other Government, to define for the Cherokees the limits of their own domain, we have opposed no enquiry into the origin of the Cherokee right to define that domain for themselves. We only contend, that having proved a right of absolute, exclusive property, in their soil, and of perfect sovereignty over it, to belong to them, they must be allowed to exercise all the attributes of sovereignty which they have never surrendered. If they have given up the right of treating with all governments but the General Government, or the right of regulating their external trade for their benefit and comfort ; or have given up any other right, (which, even surrender implies an acknowledged sovereignty,) they are bound by their concessions, as the United States are by *theirs*, in the same treaties ; and these concessions are common ones in the history of sovereign and powerful nations. They are sound, we say—unless, indeed, as some have contended, the Government with which they treated in the act, or in the articles of agreement, transcended its power. If that were the case, they are not even so far bound. The various considerations for which these concession were made, or these favors granted, were essen-

* B. i. c. 18.

tial articles of the same treaties ; and “ everything comprehended in the same treaty, (says Vattel,)* has the force and nature of reciprocal promises.” And so Grotius,† “ All the articles of a treaty have the force of conditions, which, by a default are rendered null.”

So by these treaties, the Cherokees have acknowledged themselves under the protection of the Union—“ a fact, (says Chancellor Kent,) of frequent occurrence in the transactions between independent nations :”‡ and unless the treaty-making power was transcended, they have bound themselves to rely on the protection of no other government, as the Union bound itself, in consideration thereof, to acknowledge, and did acknowledge, the Cherokee limits of territory ; to pay them certain sums for the cession of land ; to guarantee forever the unceded residue ; to disclaim all jurisdiction over *any citizen of the Union*, or other person not being an Indian who should settle on the Cherokee land ; to demand satisfaction for individual aggression before making reprisals or *declaring war*, allowing the Cherokees the same liberty ; to restore to the *Cherokee nation* all prisoners captured from them by the *citizens of the Union* ; and in case of satisfaction demanded by the Cherokees as aforesaid, for any such trespass by any inhabitant of the States, in any of the said territory of the Cherokees, *as if committed within the jurisdiction of any State or district against a white inhabitant thereof*, would be punishable by the laws—to proceed against such offender in the same manner *as if the offence had been committed within the jurisdiction of the State or district*, against a citizen, or white inhabitant thereof.§ So far, we say, if these “ treaties of peace and friendship”§ were constitutional on our part in every article, and not otherwise, the two ‘contracting parties’§ are bound, as the Union is bound with England by the treaty of Ghent, or *was* bound by that treaty of 1795 with Algiers, which “the Dey and Divan promised to observe, on condition of the United States paying annually the value of 12,000 Algerino sequins,”|| whatever their size, strength, religion, civilization, government, complexion or moral character may be, and however their population, like that of Algiers and of the Union itself, may be constituted of all colors, tribes, and kindred under Heaven, the obligation of treaties between these nations, whether expressly ‘declared obligatory’¶

* B. ii. c. 13.

† Grotius de jure belli, &c. Lib. ii. c. 15.

‡ Johnson, xx.

§ Treaties of 1791, &c.

|| Laws of the U. S. vol. i.

¶ Treaties of 1791, &c.

or not, is binding as the truth of God. “*The law of nature* alone regulates the treaties of nations—the difference of religion is absolutely foreign to them—the engagements of a treaty impose a *perfect* obligation—this obligation is as necessary as it is natural and indubitable, between the nations that live together in the state of nature ;”*—“*the law of nations* renders this an indispensable duty.”† But neither party is bound beyond its contract, and the Cherokees have neither given up their sovereignty, for the use of Georgia, nor merged it in the sovereignty of the Union. On the other hand, the Cherokee ‘treaties,’ agreements or pacts—these terms, as regards our argument, being synonymous—not by incidental terms only, nor by the act of treating itself only, which indeed speaks louder than any language, but by express, explicit provisions, acknowledge the Cherokee right, “to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States ought to do.”‡ This latter right, at least, the Cherokees undertook to exercise in these very treaties. They established their external (not indeed their domestic) commerce, so far as the Union was concerned, by placing it under the protection of the Union ; and this, as might be expected, was to ‘prevent injuries and oppressions.’§

It may not be relevant to enquire, whether these treaties, thus acknowledging all the abstract attributes of sovereignty, the jurisdiction and national domain of the Cherokees, should be technically numbered with those unequal alliances, in which to the more powerful sovereignty is given more honor, to the weaker more assistance ; and where, though the conditions may be infinitely varied, ‘provided the inferior ally reserves its sovereignty *or right of governing its own body*,’ it must be conceded an independent state, corresponding with others under the authority of the law of nations.|| It seems, however, that a weak state, in order to provide for its safety, may place itself under the protection of a more powerful one, and from gratitude enters into obligations to perform offices equivalent to that protection, without in the least stripping itself of the right of sovereignty ; that “there is no more difficulty with respect even to tributary States,” as the Union was tributary, for seventeen years, to the Divan and Dey of Algiers ; that giving up a sovereignty in fief, and rendering du-

* Vattel, B. ii. c. 12.

† Am. Dic. of Ind.

|| Vattel, B. i. c. 1.

‡ Burke, Nat. Law, vol. ii. c. 9.

§ Treaty of 1791.

ties, honorary acknowledgment, and homage to the lord of the fief, "does not prevent the state of the feudatory prince being strictly sovereign,"* and that, of course, "no argument can be drawn against the sovereignty of these (N. Y.) Indian nations, from the fact of their having put themselves *and their lands* under British protection."† Of the single article of treaty, that no private retaliations shall take place between the contracting parties, but after regular complaint from the governments respectively, Chancellor Kent further observes—"What more demonstrable proof can we require of existing and acknowledged sovereignty residing in the Indians?"‡ This, of course, applies to the Cherokees, as well as to the Six Nations—and the latter indeed are known to have gone so far at least towards ceding their sovereignty, as to occasion the supposition of C. J. Spencer, in "20 Johnson, p. 193," (so liberally cited by Mr. Bell and the N. A. Reviewer,) that they had actually become subject to New York. This supposition, however, even in *their* case, reduced, confined, and almost overwhelmed as they are, is rejected by the Court of Errors, in terms of 'surprise,' as being wholly 'fallacious,' in a reversal of the former decisions, which is one of the most minute, elaborate, luminous and extensive, as well as authoritative treatises on the national rights of the Indians, which American literature or American jurisprudence has produced.‡ It may prove our construction of the Chancellor's opinion correct, though otherwise unnecessary, to cite what he says in the same case of the Indian nations, generally—"The United States has *never dealt* with these people within our acknowledged limits, *as if they were extinguished sovereignties*"—but as governed by their own usages—possessing governments competent to make and maintain treaties—as public enemies in war and allied friends in peace†—and of the Cherokees and others in particular—"It would seem to me idle, in the face of such provisions, to contend that these Indians were citizens or subjects of the United States, and not *alien and sovereign tribes*." But the right of Cherokee Sovereignty, as we have shown, depends not on the decisions of courts, or the acknowledgment of foreign governments. These indeed recognise a sovereignty as already 'existing,' but they are far enough from creating it. The treaty-making power, then, need not be discussed. Its exercise was useful to the Cherokee title only as an *estoppel* upon the General Govern-

* Vattel, B. i. c. 1.

† Johnson xx.

‡ Same.

ment and upon the states, in whose name and behalf the treaty-making power was exerted. It was to remove the causes of war, by *ascertaining* the limits of the Cherokees, and making other just arrangements;* as the subsequent solemn guaranty of these limits was an earnest of that protection which the one bound itself to render, and the other to receive. If, as we have attempted to show, these limits were no more to be governed by the maps, or the claims, or the chartered boundaries of Georgia, than by the conflicting grants of various European sovereigns to their subjects, or by the bull of the Pope, no more than private estates are ascertained by the inroads of poachers, or the 'plans' which claimants may choose to project—if, in short, the Cherokee territory is as independent of the nominal limits of Georgia, as the territory of France† is; it matters but little whether the Union is or is not competent to cede away land of the States. On this point, we shall only observe further—

1. That it belongs to the President and two-thirds of the Senators present to determine what instruments are treaties, and what treaties are constitutional; that, independently therefore, of the provision that these treaties made and to be made, shall be the supreme law of the land, the non-acquiescence of a state, however troublesome in fact, is no more conclusive in principle, than the non-acquiescence of a single citizen: that if, however, principle is to be ascertained by practice, and right by acknowledgment of right, we have the practice of the Presidents and Senates of the Union from its origin—the parallel ratifications of every Congress, in making the appropriations required by the treaties, which, indeed, they could not refuse to make,‡ being bound like all other departments of government, by 'the supreme law—the general acquiescence of all the States—and the particular application to the treaty-making power of the Union, by Maine,§ New-York,|| Tennessee,¶ South Carolina,¶ and every other state which has had occasion to avail itself of its exercise.

2. If the acquiescence of Georgia is of any force, (as we suppose it is not) it is expressed by her submission to the federal practice for forty years; by the compact of 1802; by

* Treaty of 1791.

† Formerly included in the claims and charters of the king of England.

‡ Kent's Com. vol. i.

§ Treaty of Ghent.

|| Nine Treaties, under the Federal Constitution, U. S. Laws, vol. i.

¶ Same, Treaties of 1805 and 1816.

the official declarations of Gov. Troup in 1825,* and of the Georgia Commissioners of 1824.†

3. If in these treaties the government transcended its powers, so that the acknowledgment of limits and jurisdiction, the guaranty, &c. were void; then the Cherokees are no more bound by the treaties than the government is; the articles being, as we have seen, reciprocal and dependent conditions, by default of which the entire treaty is nullified. The Cherokees, of course, retain all their natural rights as a nation, with the advantage only of having *estopped* the Union and the States from disputing its sovereignty; and among other minutiae of sovereignty, the right by nature—and universal usage of fixing and judging its own limits.

As the treaties, then, are in neither view a matter of essential consequence in settling the question of Cherokee Sovereignty; having no bearing at all upon it if void, and, if valid, only going to acknowledge it as 'existing'—we are spared the somewhat disagreeable necessity of discussing the newly broached theory of treaties. This makes them, in all cases where a weaker state is concerned, a mere ordinary mode of legislation; and where a more formidable state is concerned, a 'device' for keeping them quiet until they become manageable. It waves the *construction* of the compacts made with Indian nations, to be *controlled* by circumstances—for the obvious and decisive reason, that otherwise every Indian treaty is a virtual acknowledgment of their independence; and that if their claims to sovereignty, land, &c. are deducible from the course or general nature of these instruments—why, "*then we have in fact abandoned all just right to restrain or to coerce them.*"‡ So, a promissory note from A. to B. must be controlled by circumstances which A. is to judge of, because otherwise the money must be forth-coming. So a bond is a mere 'device' to quiet a troublesome creditor; or, (as the treaties of Washington are objected to, because, on account of the Indian power, it was necessary to make them,)§ the bond is null and void, on account of the value of the consideration for which it was given. These arguments, it must be confessed, are powerful. But we are luckily spared the trouble of any other reply than the mention of them, by the Reviewer himself. "Our compacts with the Indians, (he thinks on the whole,) are obligatory on them,

* Proclamation.

† N. A. Art. p. 87.

‡ Correspondence with Cherokee Delegates.

§ Bell's Rep. p. 16.

and is for all the purposes fairly inferable from them.”* This ushers in the argument aforesaid, that these treaties cannot be what they purport to be—because that would be making them *bona fide* treaties. By and by, he advances the position, that ‘there are tribes in the world’ who have neither religion nor morality—whose code requires them to murder and not to subdue—who are *utterly regardless of promises*—and on the whole ought not to be considered nations.† This is indeed the beau-ideal of barbarism—and would apply very well, we conceive, to rescind the treaties with the Barbary Powers. The closeness of the application to the Cherokees, however, who seem to be obliquely aimed at in this sanguinary description, would be still more striking if he had added the fable of the Centaurs—or even of

“The Anthropophagi,
With heads beneath their shoulders.”

The next grand argument is—“Can it be doubted if one of these tribes (the last described) were placed on the continent of Europe, some of the surrounding powers *would take it under their protection*, from the necessity of the case?”—which, it may be observed, is a terrible thing for a nation to do, is just what the Union has done for the Cherokees, and is “a fact of frequent occurrence between independent nations.” The next assault on the Cherokee Sovereignty comes from “fort Mimms, the Maumees, and the river Raisin,” and this obviates the difficulty that the Cherokees may have “improved in their manners and morals.” Every nation’s sovereignty, then, like every individual’s, depends on manners and morals; and each nation is responsible for every other of the same race, on the same continent. Now, not to mention the slave-trade, for an obvious reason, England was guilty of the murders at Dartmoor prison, and France of the massacre at Jaffa, as well as the revolutionary barbarisms. But these things were *contra bonos mores*; ergo, Denmark is no sovereignty. It is next cited from C. J. Marshall, that “discovery gave exclusive right to extinguish the Indian title by purchase, or by any act; and also, to such a degree of sovereignty as the circumstances of the people would allow them to exercise.” We consider this high authority, and we consider it consistent also with all we have hitherto adduced. It declares, in the first place, the famous doctrine of pre-emption, which has confused so many minds in regard to the Indian right. Its meaning may be best explained by the learned Judge himself.

* N. A. Art. p. 84.

† Same, p. 93.

“As they (European nations) were all in pursuit of the same object, it was necessary, in order to avoid conflicting settlements, &c. to establish a principle, by which the *right of acquisition*, which they all asserted, should be regulated *as between themselves*. This principle was, that discovery gave title to the government, by whose subjects, or under whose authority it was made *against all other European governments*, which title might be consummated by possession. It was a right with which *no European nation* could interfere.”* The discovery, it seems, was not valid, even so far, unless followed up by possession; and this possession, as the Reviewer’s citation shows, might be obtained by one of two ways. There is the right of property acquired by purchase, and of property acquired by conquest. These have always been held good; but, as the purchase must be a fair one, so, of course, must the conquest be a fair conquest, or, as Chancellor Kent more fully explains the same doctrine, it must be “in the event of a just and necessary war.”† Such wars, we doubt not, have existed with the Indians, and thus large tracts have been obtained. So England conquered Canada from the French, in a just and necessary war. Other immense tracts were obtained by purchase, as the greater part of Georgia, the Carolinas, &c. has been from the Cherokees.‡ To show the idea of the venerable Judge himself on this point, we quote further from the same case—“The Indians were admitted to be the rightful occupants of the soil, with a legal as well as just right to retain possession of it, and *to use it according to their own discretion*.” “The claim of this government extends to the complete ultimate title, charged with this right of possession, and to the *exclusive power of requiring that right*,” &c. But they have a right to such a sovereignty, also, as the circumstances of the people allow them to exercise. This, too, is easily admitted, without convicting the learned Judge of contradicting either himself, or the government, or other indisputable legal authorities. The discovering government has precisely the same right (as against the Indians, and *as against other governments*) to the sovereignties, which they have to the land of the Indians—the right of exclusive acquisition by the proper means—the right of pre-emption, for example. The Cherokees, then, if they surrendered their sovereignty, must surrender it to this government. If they become extinguished as a tribe, no other country can interfere

* Wheaton, viii.

† Kent’s Com. vol. iii.

‡ Vattel, B. i. c. 18.

with the claims of this country to their original possessions. If they are conquered in the event of a just and necessary war, by whatever civilized enemy, the right of conquest must ensue to the benefit of this nation. The reason of 'the principle' agreed on is obvious, and is the same in all its applications. Not to refer again, then, to the decisions of Chancellor Kent on 'the existing and acknowledged sovereignties' of most or many of the Indian tribes, we protest against even the irrelevant concession of classing the Cherokees indiscriminately with all other tribes on the continent. The 'circumstances' of these tribes, in every respect, are nearly as diverse as those of the European or Asiatic nations; nor has the sovereignty or force any connection with that of another. What the title of the Cherokees is, we have shown, and this we shall once more partially recapitulate, in the form of another passage of Vattel—"The earth belonged originally to all men in general; all had the right of deriving from it the *things suitable for their wants*; but the human race being extremely multiplied, it became necessary that these people *should fix themselves on some part of it*, and that they should *appropriate to themselves portions of land*, in order that, *not being disturbed* in their labor, they *might apply themselves* to obtain subsistence from their lands. This must have introduced the rights of property and dominion. Since their introduction, the common right of mankind is ascertained by what each lawfully possesses. The country inhabited by one nation, whether it has transported itself thither, or whether the families of which it was composed, finding themselves spread over the country, had formed themselves into a body politic; this country is the settlement of the nation, and it has a proper and exclusive right to it. This right comprehends,

1. *The domain*, in virtue of which the nation above may use this country, and *dispose of it in such a manner*, and *derive from it such advantages as it thinks proper*.

2. The right of *empire*, or *sovereign command*, by which the nation ordains and regulates at its pleasure any thing that passes in a country.*

This is precisely what the Cherokees have done, are doing, and intend to do hereafter. As for the extent of this domain, not to say, that it is 'ascertained' by the Union, that is a matter in which, as we have seen, no sovereign nation can judge for another. If they persist in flagrantly extravagant claims, that

* Vattel, B. i. c. 18.

may or may not be occasion for war ; but even war can only be levied by sovereignties.

We may observe, however, that in addition to immense cessions by treaty with the old colony of Georgia, in 1721 and 1774, ("several millions of acres of valuable land in the most beautiful and healthful part of the country,"*) with the English crown, in 1730, by what Hume styles an 'authentic deed,' and Ramsey a 'treaty of union and alliance;' when they also agreed upon friendship, as the treaty itself expresses it, with the English king, who, in his turn, "took it very kindly" that they sent chiefs to London for the purpose—in 1755 they 'renewed their former treaties of friendship,' Gov. Glen, of South Carolina, 'being fully aware of the importance of securing it,' and 'ceded and surrendered an immense tract of territory to the king of Great Britain by deeds of conveyance.'† We may add, that under the treaty-making power of the Union, they have ceded all of 36,000,000, but about 8,000,000 of acres, for the use of various States—unless that power was transcended, in which case we have proved that the cession was null and void. But enough on this point. We have no space to speak farther than we have done of the right of discovery. It will be seen, however, that we claim it, such as it is, and are justified by the highest authorities, as well as universal usage, in favor of the Cherokees themselves. Charters, grants and bulls deserve still less notice. As for 'the inconsistencies in our treatment of the Indians,'‡ 'we regulate their trade,' by their own express request, 'for their own comfort,' and that only externally : 'we prohibit the sale of liquors to them,' which is binding, of course, on our own citizens : we declare them 'incompetent to cede lands' to our subjects, which is also matter of express provision, and concerns not them, but our own citizens, as in the other case, just as citizens are forbid, by the Constitution, from *receiving* titles of nobility. As for the 'best interest' of the Cherokees, the state of other tribes, the inconveniences of an *imperium in imperio*, the blessings of civilized life, and the delicacy of an interference of the Union with a state—these things need not be discussed. But we have done with the subject. r.

* Ramsey's Hist. S. Carolina, vol. i.

† Holmes' Annals, vol. ii.

‡ N. A. Art. *passim*.

THE ELOPEMENT.

ONE sauntering, sunshiny summer's day, soon after the introduction of Berlin iron ornaments and sleeves *a la gigot*, (I like to date by great epochs,) there stood at Fontaine's counter—No. — Broadway, (you know the shop, lady, I dare swear,) a gentleman in whiskers, (then a little ultra,) and a lady in French slippers, (then a rare article.) They were tossing over together, with looks of profound attention, a heap of some thousand gloves of every description, which had been accumulating from every quarter of the store for the last half hour, without any approach, which the astonished shopman could discover, to the satisfaction of the lady's taste, or the gentleman's approval. An immense piece of damaged *barege*, hanging in a festoon across the corner in which they stood, screened them from the notice of the passing customers; and when at last they had rejected every glove in the shop, and the imperturbable little fellow in a bandanna cravat stood leaning with his two hands on the counter, and looking silently on the three hours' work they had made him, they quietly turned their backs upon him, and drawing farther into their sheltered position, continued their discussion of colors, (or some other equally interesting topic,) with increased earnestness. They had been thus occupied twenty minutes, (perhaps longer, for Irish watches and certain people lose half an hour in that time,) when a conversation arising between two gentlemen, who had just entered, respecting the identity of the small foot that was patting the floor violently within the curtain, they fell to tossing over the gloves again, and selecting a pair hastily, the lady took the gentleman's arm and left the shop.

Miss ——— (I wish I dare tell you the pretty name those two black lines stand for—but it's a true story, and of course you know I can't; so, till I see you where I can whisper it in your ear, we'll call her, if you please, *Cecile*.) *Cecile*, then, was a belle of some two winters' standing. I hate description in a real story, and so I'll just say, that she was a sort of Aurora-Raby-looking beauty, (don't look for the description, Miss, it's a naughty book, *Don Juan*,) dark eyed, dark haired, and with the foot and hand of a Peri. She was a glorious little creature, a real angel by candle-light, and by day-light something between Honor O'Hara, Fenella and Di Vernon, but twice as lovely as either. The men adored her,

and the women (nothing hates like a woman) were eating their hearts up about her. They abused her *tout-a-tout*. They said she was not stylish, (that's the word, since *genteel* is exploded,) but, like other angels, she was a sort of witch, and knew the fashions a month before the milliners. They said she was proud, but pride is bewitching in a woman whose lip is pretty. They said she was a flirt, and sarcastic, and couldn't read without spelling, but on these points, *tout le monde et sa sœur* had a different opinion. Nothing would do; she was a belle in spite of them—and that reminds me to go on with my story.

Cecile, I was saying, had been a belle for two winters—that is to say, within that number of seasons she had refused the three “fine men,” (there are never more at a time,) and provoked, beyond endurance, the three hundred fine women, (of whom there may be any quantity.) She had worn what she fancied, and the milliners had not resented it—said what she chose, and visited where she pleased, and cut all stupid people, authentic or not—and still the men swore (and the women admitted because they swore) that she was divine. Like another great conqueror, however, she soon exhausted her material, and wept for new worlds. The same eternal beaux kept at the same eternal distance—the same eternal vows from the same eternal whiskers—the same eternal daylight and candle-light, with their same eternal walks, suppers and dances—it was too much for even angelic patience—Cecile was *ennyuée a mort*!

And who wonders? Who, that has made a campaign of fashion in the city of Gotham, wonders at a feeling of *toujours perdrix*, at the very sound of its name, forever after? Broadway is well enough, but who loves to look all day at a panorama? The parties are brilliant—but who loves to make one of a belle's *cordon*, composed of every nation, and speaking every language under heaven? or, to maintain a monologue to a pale, exhausted, over-dressed creature, who would rather die than be at the trouble of a sentence? Then the eternal oysters, pickled and stewed, stewed and pickled, (the only variety seen at a party through the season,) with a salad concocted *a la Goth*, rolled into the rooms upon round tables, and rolled out again, before he who eats like a Christian could select and transfix one of proper proportions; and the pink champagne, sweet and sickish; and the short, ill-cravated, indigenous beaux, and the tall, discontented-looking exotics—stereotyped Manuel heads crowding upon the eye like the

multiplications of an incubus, and the slavish similarity of every article of dress to its neighbor—Bennett fast asleep over his cremona, and cotillons dancing upon two feet square—who, we again ask, in the name of the foul fiend, would not, of such a routine, tire and sicken?

Far be it from me, however, to indite an unqualified philippic against the metropolis of our land. There is no place this side the water which gathers so much of the rich and rare—no place where the feet of the women are smaller, or the enterprise of the men more laudable—none where the *pavé* is so brilliantly thronged, the simple more dexterously enlightened, and the plethora of the pocket more speedily relieved—none, in short, where there are united such *foci* of people and things, or where one may learn faster the necessity of combining, in his individual person, the accomplishments of Briareus and Argus. It is London diminished. No place like it “to take the nonsense out of you.” The first person singular is, to all but itself, a very indifferent pronoun. Nobody cares there whether you “cock your thumb” or no. Fanny Wright is no lion in Broadway, and the Frugal Housewife might eat her “hard gingerbread,” and swear that it was “nice” uncontradicted.

How different from Boston! Here, every body knows every body, and his business. You cannot stir without feeling your importance. A very little stranger makes a “very splendid tiger,” and a peculiar tie in a cravat gives you a three months’ immortality. Your birth, religion, early history, finances, and probabilities of distinction transpire with your arrival. “Good society,” at the same time, doubts while it discusses you, and though you are the cynosure of all eyes, you are suspected to be a rogue till you are known, by better than nature’s authority, to be a gentleman. The shop-keepers are professedly honest, street smoking is disreputable, small feet and French slippers are not much worn, and the Tremont is the finest hotel, and Dudley the daintiest *friseur* in the known world. For society, the belles are slightly blue, the suppers exquisite as a dream, and the beaux honest gentlemen traders, innocent of puns and neckclothiana, and good subjects for matrimony. Literary people die of the *digito monstrari*. Fanny Wright is held profane, and lady editors beat the — at Billingsgate. Virtue here deprives no man of “cakes and ale.” Whiskers are no letters of introduction. Good English is preferred to bad French, and the pale of Unitarianism is the limit of gentility.

We have a great mind, since we are "i' the vein," to show up Philadelphia, with its comical contradictions—its rectangular streets, and its graceful women—its excessively dressed dandies, and its decent Quakers—its strict religion, and its European luxury. We should like to sketch Baltimore, gay and wicked, and Charleston, learned and aristocratic, and all the places and people in this salmagundi of a nation—but—we were talking of Cecile.

She was, as I said before, tired of everything about her. She got up in the morning, and could not think why she should be at the trouble of dressing. She walked, dined, dressed again, dissipated, and went to bed, wondering, with the *naïveté* of a seraph, why such a stupid world should have been created. It was at this crisis of things that Mr. Hyperion St. John, the very *eidolon* of a cravat, joined her, as usual, one morning, in Broadway. He was the best specimen of his class, and, having borne the caprices of my lady with more constant *bienséance* than his fellows, stood rather the first in her graces. She took his arm very much as one leans upon a fence in June, and lounged down towards the battery, listening to his exquisites as one, in the same idle month, listens to the running by of a stream. Mr. Hyperion had never seen her in so unoffensive a mood. He laid his forefinger against his dickey, to preserve its integrity, while he should look round at her face, and Cecile, at that moment having dropped her head to watch, for want of better amusement, the gliding in and out of her own lovely feet, it suddenly occurred to him that it was very like what he had heard called "a symptom"—his curricule to a jarvey, the lady was in love with him! With a silent blessing on Wheeler, (he had the grace to remember who made him,) he rallied his brains, (which, having rarely been rallied before, did not readily obey,) and remembering, that in all the stories he had read, the next thing to love was elopement, he, coolly, as if it was a matter in course, begged to know whether she would prefer his bays or his grays on the first stage of the journey. The diversion of this subject startled Cecile from her castle-building. She looked up, and seeing the unwonted smile of satisfaction on the face of her admirer, repeated his question twice over to herself before she quite comprehended him. Her first thought was "how absurd!"—her second, "how refreshing!" Here was a novelty! The world had *not* quite come to an end. She *could* do something she had never done before. Run away!—the thought was heavenly. She thanked

the gods as she turned on her heel, and retracing their steps up Broadway, they stopped to arrange matters more conveniently at Fontaine's—where our story found them.

Cecile rose from the table at 6 o'clock that afternoon, leaving her papa dosing over his Moselle and snuff-box, and ringing for her maid, ordered a trunk and bandboxes into her dressing room. She then turned the key, and laying her dresses all out upon chairs, sofa and *fauteuil*, selected two or three of the prettiest, (a plain white one among them,) and folded them in the trunk. She threw in next two or three handful of cameos, coral necklaces, and other ornaments—some indefinite articles of dress, a muslin night-cap, and a *vinaigrette* to be used in the fainting scene—next, a pair of French slippers and a Bible—and last, a lovely French apron of a new pattern, with which she intended to astonish her lord at the first breakfast subsequent to the ceremony. Having chosen her prettiest hat, and laid it aside, every thing was complete, and she threw herself upon the sofa to dream away the time till the arrival of the note from Mr. St. John, announcing the hour when his bays would be at the door.

I shall not attempt to describe the dream, because the lady did not attempt it herself in telling me the story. It was, no doubt, like all city visions of matrimony, a long vista, closed in the blue distance by a four story brick house and iron railings, a servant in livery cleaning the door-plate, and a child in a pink frock and white pantalettes, playing in the verandah. The arrival of the note, whatever it was, put a stop to it very effectually. It was written on rose paper, and, being June, sealed with a cameo wafer. The first sentence or two, being sentiment, Cecile passed over till the second perusal. The essential part of it was the naming of the hour, and glancing her eye down, she read, "I shall be at the door, in my *kurrikle*"—it was quite enough. To run away with a man that couldn't spell!—oh, no! She took her pen and wrote a note declining the honor, rang for her maid, dressed and went to a party.

Six months after, she took matrimony, (as the doctors phrase it,) "the natural way," and when I saw her last, was the loveliest of Madonnas, in an oiled silk apron, getting very learned in corals and teeth-cutting.

TO A BRIDE.

FAREWELL! sweet cousin! ever thus
Drop from us treasures, one by one,
They who have been from youth with us,
Whose very look, whose very tone
Are linked to us like leaves to flowers—
They who have shared our pleasant hours—
Whose voices, so familiar grown,
They almost seem to us our own,
The echoes, as it were, of ours—
They who have even been our pride,
Yet in their hours of triumph dearest—
They whom we most have known and tried,
And loved the most when tried the nearest—
They pass from us like stars that wane,
The brightest still before,
Or gold links broken from a chain
That can be join'd no more.

What can we wish thee? Gifts hast thou,
Richer than wishes ever give—
Gifts of the heart, and lip, and brow,
Gifts that thou couldst not lose and live—
Better are these than aught that we,
This side of heaven, can wish for thee.
Well then—ever may these increase—
Deeper thy heart—richer thy tone—
Still on thy brow be written peace,
Still be thine eye's kind spell its own—
Still may the spirit of thy smile
Have power, as now, all cares to lighten,
And may thine own heart feel, the while,
The sunshine in which others brighten.
Life be to thee the summer tide
'Twill seem to others by thy side!

ALLAN GRAY.

MISS EDGEWORTH affirms that none ever loved without a reasonable degree of hope: but as none of the passions wait upon the understanding, and love is the least controllable of them all, her assertion may be disproved by innumerable instances from the fabled days of Pygmalion down to those of Allan Gray, the Gardener.

Allan was the son of an English Gardener, who had come over to America in the hope of realizing those golden dreams

which so often tempt foreigners to our shores. He brought with him a wife and several children, and after the usual struggles which strangers must undergo without money, without friends, without knowledge of the country, after removing from place to place and losing all their children except one, William Gray and his wife settled themselves, with their surviving son, in the south, where he was fortunate enough to procure a place as gardener at the seat of Mr. Camelford, a gentleman of large fortune, who, though he spent little time at Camelford Hall, took infinite pride in preserving it in all the beauty and order with which he received it from his fathers.

Mrs. Gray had been born to better fortunes, but the truly noble spirit prefers independence, even as a gardener's wife, to the luxuries which may be purchased by the surrender of one's time, taste and opinions. Mary, however, had tasted dependence in its mildest shape. She had filled the place of humble companion to two elderly ladies who lived in profound retirement, and passed their time chiefly in reading. Their choice of books, too, was excellent. Sisters and daughters of men of learning, they had early imbibed a taste for the best kind of reading, while they by no means despised the lighter part of the *belles lettres*. When their eyes began to fail, they took Mary Owen into their house as a reader and companion. Her task was an easy one, and suited to her inclinations, and bitterly did she lament them when they died. She had lived peacefully with them till she was twenty-four, and at their death found herself as friendless as when they had first given her an asylum. Their little fortune was entailed, and they had nothing to leave Mary but some old fashioned bijouterie and a part of their library.

It was a descent from her high expectations (for a pretty girl who reads a good many novels will form high expectations) to marry William Gray, but she had come to years of discretion, and after some few struggles she gave him her hand, and made him a faithful and obedient wife, excepting only in one thing. William did not wish his son to receive an education that would unfit him for his station. He had looked over Mary's books and found a great deal that would prove dangerous to Allan, who was a boy of a quiet, shy disposition, hating all manual labor, and adoring nature with a poet's passion. He was obliged, however, to work as his father's assistant, but at night he came home to enjoy, as his hour of luxury, his mother's conversation, and the books she selected for him. It would have been hardly possible for Mary to have crushed the "glowing rage," which promised her

in her son what she had never found in her husband, companionship; without which wedded life wants its chief enjoyment. In William Gray, Mary had found a protector and friend, but not a companion, and her chilled spirit only glowed, when she looked forward to the cultivation of Allan's mind, as a solace for the many lonely, weary hours she had spent, even with William by her side. Allan would read till his father woke from his first sleep, and repeat his commands to him to go to bed that he might rise with the dawn. He was a fair and delicate looking boy, with an air of gentility, and a thoughtful, pensive countenance that is rarely met among the laboring class. Habit had reconciled him at length to his monotonous employment, though there were times when he longed to escape from the formality of the garden and smooth shaven green, to the depths of the forest—to the blue river that sparkled in the sunbeams. There were none of the forms of Nature round him that are said to inspire a love for her. The mountain and the cataract are wanting to those parts of the Southern States which border on the Atlantic, but the forests are adorned with a rich and lavish vegetation; a profusion of wild flowers shed a delicious perfume on the air, which intoxicates the senses; there is a vividness, too, in the tints of the sky, a gorgeous coloring that is rarely seen in more cloudy climes. All these to Allan were a "passion and a life"—he poured out the deep tenderness of his heart on inanimate Nature. Its

"Colors and its forms were then to him
An appetite, a feeling and a love."

But the hour was coming, when the intensity of his feelings were to turn inward and prey upon themselves. He was one day carrying a young tree, which he intended to transplant, to the house, when he observed an unusual bustle; the windows were all open, the portico and steps were covered with trunks, and a number of servants appeared to have just arrived. A few words explained it all. Mr. Camelford was coming to the Hall with all the family; he had frequently spent several weeks there, but Mrs. Camelford preferred living at an estate in a remote part of the country. Of late, however, the whole family had been travelling in Europe, and were now coming to Camelford Hall, to repose awhile after the voyage. Allan heard the news with regret; he really could not bear the thought of being seen, by persons of education, hoeing and weeding. He felt himself superior to his situation, and shrunk from the idea of being confounded with the rude laborers who surrounded him. Foolish as were his

feelings, they preyed so much upon his mind that he became too ill to go out, and for several days after the family arrived, he was confined to his room.

At last, the old man, who suspected there was a degree of morbidness in his feelings, insisted upon his accompanying him to the garden. Allan could not refuse, but he took care to hide himself in a corner furthest from the house. Seeing that no one took any notice of him, he ventured one morning out of his nook, but would gladly have crept back, when his father desired him to carry a basket of roses to the garden gate, and give them to Mrs. Camelford's maid. There was no evading the command. He took them, and was slowly and reluctantly proceeding up the walk, when suddenly he was startled by a form approaching which appeared, indeed, to him "another morn risen on mid-day." As the vision drew near he doubted his senses. Was it indeed a living creature he beheld, or some angelic visitant? Confused and breathless, he drew to the side of the walk, and leaned against a tree. Laura Camelford, attracted by the beauty of the flowers he held, came close up to him, and, not observing his excessive emotion, said, in a voice of flute-like melody, "I may take one of these, I suppose;" then, without waiting for an answer, and without even turning her eyes on him, she took a rose from the basket and walked on. Exhausted with the excitement, Allan sunk upon the ground. Never yet had such a vision dawned upon him. High as was the idea he had formed of beauty, his fancy had never pictured such a shape and countenance. He lay for some time wrapt in such an exquisite reverie, that it was not till he heard a sharp, angry voice close to his ear, that he sprang on his feet, and listened to the scolding of Mrs. Camelford's little Creole maid, who had first waited for him a long time, and then sought him all over the garden.

Allan's feelings, during the rest of the day, were wild and tumultuous. He scarcely knew what it was he had seen; but he felt that it would have some influence on his destiny. He had woke to a new state of existence; some fairy charm had been applied to his eyes, and he now felt as if his past life had been a blank. He could define none of his sensations, yet they were all a new found treasure to him—he dared not ask himself what they meant. Like the statue in Rousseau's little drama, just wakened into consciousness, he could only repeat, in wonder at himself, "It is I—it is I."

When he went home at night, he found his mother anxiously expecting him, "Dear Allan," she cried, "see what I have

for you," and she held out the "Tales of the Crusaders," which she had asked a neighbor to bring her from town. Poor Mary was disappointed at the abstracted air with which Allan received her present; but, though shortly after that time he perused, with intense interest, the tale of the Knight of the Leopard, his mind was too much engrossed with his own feelings, on that evening, to be won even by the spells of the mighty magician, Scott.

For several successive days, Allan watched in vain for the figure that still haunted his fancy, and at last began to think that he had been under the influence of a dream. He was musing over his disappointment one day, when he heard again the voice that had before bewildered his senses—he listened, breathless with delight, but it died away, and presently his father's rough voice was heard calling for Allan. In his impatience to behold again her whose voice recalled his dazzling dream, he rushed forward, and found himself suddenly in the presence of Miss Camelford and her father. "Come here and take madam's directions about a flower-bed," said the old man, pulling him from behind the rose bush, where he had shrunk as he met the full gaze of Laura's eyes. "Come out," muttered the old man, "fool! must I always be ashamed of you?" and he pushed him towards Laura, who said, mildly, "I only want you to prepare some ground for these seeds. Papa says I may have all this square for my own flowers. Leave all the trees, but take away all these balsams and marigolds; you may give them away if you please." "Papa," she cried, drawing her father to her, "you know all this square is to be mine?"

"Yes, love—what are you going to do with it?"

"Why, make a Paradise of it." "Can you find," said she in an encouraging voice to Allan, "any young olives and laurel trees that would bear transplanting?" "Perhaps," she continued, after waiting sometime for an answer, "you know those trees by some other name."

"No ma'am, no," interrupted his father eagerly, "he knows them well enough, only he's a fool."

"Nay, don't frighten him, I will explain to him."

"I do understand you," said the trembling boy, "you wish your garden planted with the trees and flowers we read of in poetry."

"Read of in poetry!" thought Laura, the gardeners in C. are very refined; "you have understood me," said she, smiling, "prepare the ground, and I will come to-morrow evening and give you further directions."

Dear reader, you surely remember the hour when you felt the first breath of passion upon your heart—when the chords of that mysterious, wondrous instrument were first struck by a viewless touch, which, like the winds of summer playing over the Eolian harp, woke a strange delicious melody within you. Have you ever in after life felt anything to equal those first hours of love? Would they not be cheaply purchased back by all ye have since held dear? Honor, power, wealth and fame—have any of them a charm so precious? Alas! we taste but once of that bliss which Theckla, in her passionate song, has called the bliss of earth.*

Allan worked hard all the next day, and by the appointed hour everything was in readiness. He had brought young olive trees from the grounds, and magnolias from the woods, and only waited Miss Camelford's direction. It was a beautiful evening in April. The moon, with a single star beside her, was seen in the clear blue sky, while the monarch of day still flamed in the gorgeous west. The air was laden with the perfume of the orange flower. Allan's senses were refined, by the new and unknown power which had waked him to a new existence; his heart was glowing with undefinable sensations; he clasped to his heart the mute and lifeless forms around him. There was an energy in his feelings that longed to speak, but he trembled as he first heard his own lips utter the name of one so far, far above him. He felt as if he should have died under the weight of his emotion; and almost fainted when Laura appeared walking slowly with her mother, leaning on her arm. The sight of her over-powered the young enthusiast; he turned aside, and tears came into his eyes—the tears which are shed but once in life. Soon, very soon is their source dried up; and though we may weep the tears of sorrow or remorse, the drops that flow from a heart o'erfraught with passion, are shed but at one season of the heart. Mrs. Camelford walked so feebly, that Allan had time to assume something like composure before Laura reached the spot.

Miss Camelford was just sixteen, and so very beautiful that even old age could not look on her unmoved. The old did not accompany their praise of her exquisite face, with any comparison with the beauties of their day. The rich auburn of her luxuriant tresses mocked the eye, now with wavy lines of gold, and now with masses of brown, that contrasted beautifully with her snow-white forehead. Her eyes were of that

* Ich habe genossen das irdische Glück.—*Wallenstein.*

soft dark hazel which admits of so much expression; but it was not the perfect form of her features, or the rich coloring of her lips and cheeks, that struck the beholder with delight; it was the uncreated beauty shed over them all—the expression of goodness that explained, to every mind of sensibility, what the most gifted of modern bards has called the *music beaming* from a face.

“Ah! you have brought some of the trees I wanted,” said she, with a gracious smile, as Allan pointed to his collection. “Observe, then, wherever I mark you must plant one.” “Now,” she continued, after have flitted from spot to spot, “here you must make a fountain, and round it plant tuberoses, Indian jasmines, flowering pomegranates, and all the flowers of the East that will grow in this climate. You know them, I believe, and here are the seeds and roots I want planted—Is this the season?”

“Leave them,” said Allan, “I will obey you.” “Mamma,” said Laura, going back and whispering to her mother, “I don’t know what to make of this boy—he understands everything I say, yet it is with the utmost difficulty I can get him to answer me, and he seems terrified if I only look at him.”

“He is abashed,” said Mrs. Camelford; “do not give him too many directions at a time—you speak so fast that he will never remember all you have told him. Let me speak to him.” Mrs. Camelford called Allan to her, and asked him several questions about his parents and himself. The propriety of his language surprised her, and she enquired into the cause of it.

“My mother,” said Allan, “is a woman of more education than is common in her humble station. She has been my instructress, though, from want of time and books, I am too ignorant to be a fit companion for her.”

“Poor boy,” said Laura, as they proceeded on their walk, “he is fond of reading, and yet has no books, or at least, very few—pray let me give him some; he seems different from all the other laborers about the grounds.”

“Not yet, my daughter,” said Mrs. Camelford; “if you give him books you must give him time, and I must first make some enquiry into his story. At present, everything tells to his advantage.”

Two or three months passed on, and Laura’s garden began to have a flourishing appearance. Vegetation is so rapid in the South, that trees and flowers spring up as if by enchantment, when they are well watered and shaded. The young Gardener worked incessantly in this spot, which was all the

world to him. He talked of it in his sleep ; he read nothing but what related to flowers, and, during the first three months of the family's stay at the Hall, he was the happiest of created beings.

Allan would have started had any one asked him what he looked forward to—what he hoped for. He knew he was the victim of delusion, but he cherished his madness, for it was sweeter than any reality he had ever known. He dared not enquire into the cause of his felicity ; it is only rational happiness that can sit down and reason upon it. The moments in which Allan woke from his reveries, (in which were pictured youths of low degree winning the smiles and favor of high-born beauty, by deeds of prowess, and all the imagery of other ages and other countries,) were the bitterest of his life. He would wake from one of these day dreams, and look down upon his soiled hands, his coarse clothing, and utter the wailings of despair as he thought of what he was, and what he must remain. Still he was happy—Laura came every evening into the garden with her two little brothers, and while they played about, she would sit on a rustic seat beneath the trees, reading or plunged in thought, till the dews of night warned her home. Allan never dared remain in the square she called her own, but retired to a distance, from whence he could gaze on her unobserved. The indulgence of this wild passion began at last to prey on his health. The excited, fevered state of his feelings robbed him of rest. His cheek became flushed with a hectic glow, and his eyes grew brighter and wilder every day ; nor was it long before the feelings which had raised him to rapture, became stings of torture to him. The malignant spirits that so often wait on love, took possession of his soul. Laura ceased to visit her garden. Mrs. Camelford's returning health allowed her husband to fill the house with company ; there were frequent balls and entertainments at the Hall, which threw Allan into despair. He saw no longer the bright particular star of his idolatry, and his tortured fancy pictured her already the prize of one of the happy youths, whom he saw sometimes sauntering through the shrubbery. There was a family in the neighborhood with whom she often spent a week at a time, but still she did not forget her love of flowers. Every day Menie, the little Creole, came to Allan for the brightest and sweetest he could find—it was with a sinking heart he gave them to her, and then returned to his work.

One night he lingered long after dark in the garden. The lights in the house attracted him, and scarcely knowing what

he did, he drew nearer and nearer, till he found himself in front of a large window opening on the portico. There was a crowd of young ladies round Laura, who was going to sing. Trembling lest he might be seen, he retired to a dark corner under the portico, where every note of Laura's voice reached his ear. Presently the rich deep tones of a man's voice mingled with the strain. Allan went home that night, with a heavier load than ever at his heart. Next evening he was employed in making her an arbor of basket work, in hopes of attracting her attention once more to her garden—when suddenly she stood before him. In general, she made known her approach by her sportive voice, or her rapid footsteps; but this evening she was silent and thoughtful. She took no notice of Allan, who at last ventured to address her. "The Druid's seat, you ordered so long ago, is finished, and this arbor is almost ready for the vines to be drawn over it."

"Oh! thank you—you are very industrious, very ingenious. Have you seen any one pass this way?"

"No, madam," said he; and he turned pale as he marked the troubled expression of her eye. She did not speak for a long time, and then turned abruptly to Allan—"Do you think that japonica will bloom by to-morrow?"

"It is impossible," said Allan.

"And is that the most forward of all?" asked Laura, with a disappointed look.

"It is—but if you wish a japonica, only say so, and I will bring you one."

"Can you? Oh, yes! pray let me have one by ten o'clock to-morrow, and I will give you anything you ask for it."

Alas! thought the unhappy boy, to touch those tresses but once, and die! His emotion grew so violent that Laura would have perceived it, had not her whole soul been absorbed in watching for a footstep. Presently one was heard—and springing up like a startled fawn, she flew from the arbor. A young gentleman now approached—and coming up to Allan, said—"My good lad have you seen any one pass this way?" There was nothing haughty in his bearing, but Allan thought he should have sunk to the earth, as he looked on the magnificent person of Mr. Mannering—his open forehead, and eye that flashed with youth and genius. He could scarcely falter out a negative; and Mr. M. coming up to a japonica, muttered, "It will never bloom by to-morrow, how provoking!" and he turned and left the garden. In a few minutes he passed by again, with Laura leaning on his arm.

Her cheek was no longer pale ; she was listening, with down-cast eyes, and a varying color, to the whispered tale of her companion. The miserable Allan threw himself upon the ground, and tore his hair, with the wildest exclamations of despair. His agony at that moment showed him what his future life must be. "I can die," he uttered at length ; and the idea that death would end his sufferings, inspired him with courage. He rose and left the spot, with all the stings of jealousy gnawing at his heart.

The next morning there was a brilliant scene at the Hall. At the front door were drawn up carriages of all descriptions ; ladies, in elegant morning dresses, stood in the portico, ready to set out for a breakfast party in the neighborhood. Laura stood on the steps ; a lace veil covered part of her hair, and a light wreath of myrtle adorned the front. Her lover stood beside her. Poor Allan was drawing near, with weary steps ; in his hand he held the brilliant flowers he had walked ten miles to find. Laura sprang down the steps, and ran to meet him.

"Thank you—thank you," cried she gaily, taking them from his hand, and putting them into Mr. Mannering's. The whole party were now driving off, but Laura waited till Mannering had placed the japonicas in her hair, then turned away and stepped lightly into her lover's curricule. They drove off without Laura's observing that Allan had fainted.

On her return at night, she ran gaily into her mother's dressing-room, where she met with a grave reprimand for her vanity and selfishness, in sending a slender lad of seventeen ten miles for a flower for her hair, when the shubbery was filled with various kinds. Laura wept to hear that Allan had been carried home ill, but declared with truth, that she had not been aware that he intended going so far on her account. Mrs. Camelford was seriously grieved at what she thought Laura's selfishness, and sent every day attendants and luxuries to the poor invalid. Laura, who had not been to blame, went every day to ask Mrs. Gray how her son was. The sound of her voice gently enquiring after him, healed for awhile the wounds of Allan's heart, but they bled afresh when he dragged himself to the cottage door one day, in order to catch a glimpse of her, and saw that Mr. Mannering was her companion. She stopped before she reached the door and sent Mannering away, then approaching Allan, she graciously and sweetly expressed her sorrow for having occasioned his illness. "I am going to town in a few days, with mamma," said she, blushing deeply, "will you take these books to

amuse you, when you are well enough to read," and she took a basket from her brother, who followed her. "There is not much poetry here, and your mother tells me you love poetry dearly; however, papa chose most of the books." Allan could only bend his head—"Pray do not go to work too early in my garden; I will not recommend it to your care. You have already been too industrious, and I shall not be glad to see it in fine order until you are perfectly strong again."

"Oh, Miss Camelford!" exclaimed Allan, speaking of himself for the first time; "I love that garden far better than you do—I live in it—live for it—you hardly look at it;" and overwhelmed with emotion, Allan burst into tears. Laura looked distressed, and tried to calm him; but, as he grew more and more agitated, she withdrew till he should have got over what she termed a nervous attack.

The day before the family left the Hall, Laura carried to Allan's cottage a handsome edition of the Bible, which she put into his own hands; and again desiring him to take care of his health, she left him with a light step, and a gay heart. She was going the next day, and should return to Camelford Hall a bride. The world was bright before her—an horizon without a cloud; and little she thought that the heart of the poor gardener boy was breaking for her.

Two months passed away, before preparations were again made to receive the family at Camelford Hall; and in that time poor Mrs. Gray had sorrow upon sorrow to contend with. Her husband took cold one damp evening while working at the Hall, and died after a short illness. Allan's dejection grew worse and worse; and at last he was altogether confined to his room; yet he looked forward with intense anxiety to Laura's return. He was aware that she would only return as Mrs. Mannering, but he should see her once before he died. His mother began, at last, to suspect the truth. She frequently heard him murmur, in his troubled sleep, words of a strange import. One night she heard him say—"If I could only see the light of those eyes again, I would die in peace." Mary groaned deeply, for now she felt there was no hope:—"And it is *my* fault!" thought the self-reproaching mother; "it was I who taught him to admire the beautiful and refined, while our lowly station confined us to the ignorant and vulgar. My boy! my boy! it is I who have destroyed you."

It was thus the poor mother was musing in bitterness of spirit, while standing one morning at the door which looked towards the road—when suddenly a train of carriages announced the arrival of the bridal party. Mary felt as if they

were trampling on her heart. Hastily closing the door, she returned to her seat by Allan's bedside. He lifted his head, and looking anxiously at her, said—"Mother promise to tell me as soon as she arrives."

"Who, my son?"

"Alas! I do not know—yet why should I conceal it? I am dying—I cannot offend her—even she would forgive me. Tell me when she comes—I cannot utter her name aloud."

"My child, have you so far forgotten your humble station, as to lift your eyes to one so far above you as Miss Camel-ford?"

"Oh! mother do not blame me. I dared hope for nothing—I knew my love was madness—'twas delirium; but who could look on her and not worship her with a forbidden idolatry. If I have sinned, I have suffered, mother," continued he, drawing from under his pillow the Bible that Laura had given him, "take away this—I have never read this book, for her image always stood before me. When I read yours, I could banish it—but bury that with me—no, do not; in the grave this 'tyranny will be overpast.'"

Late in the evening, a neighbor came in to offer to assist Mrs. Gray in nursing her son. Long after her offer had been declined, she lingered to gossip in a loud whisper: "I say, Mrs. Gray you had better go to church on Sunday, to take a look at the bride." Allan raised his head. "I saw her this morning, and though Miss Laura was always a beauty, she looks like an angel now—'twould do your eyes good to gaze on her."

Mrs. Gray got rid of her visiter as soon as she could, and turned, with a trembling heart, towards Allan. "Nay, do not be uneasy; the news has not pained me much. As I draw nearer the invisible world, I feel that the things of this are losing their hold on me. Now, dear mother, do not let me speak of her again." Allan tried to keep his resolution, but every now and then the name of Laura half escaped him. He died the next day, and the widowed parent felt all the anguish of that grief, which will not be comforted till the day when all tears shall be wiped away.

On the following Sunday, Laura walked through the Church-yard a lovely bride, by her mother's side. Suddenly she stopped, exclaiming,—“Oh! mamma, there is a new made grave, and persons just leaving it—whose can it be?”

"It is poor Allan Gray's," said her mother; "he has left a mother indeed disconsolate."

In the plenitude of happiness, we expect every object

around us to respond to the felicity of our own hearts, and the sight of Allan's untimely grave struck a chill to Laura's heart. She little dreamed that it was she who, in her beauty and brightness, had crossed his path, and robbed him of peace and life; but the lustre of her dark eyes was quenched in tears, when she recollected his youth, his modest, gentle conduct, and the strong emotion he had betrayed the last evening she saw him.

It was from the lonely mother that I learned the particulars of Allan's fate, and from some fragments of his journal, which she read to me, that I have traced the progress of that disastrous passion, which, in a mind of sensibility, nursed in silence and solitude, has power to deprive its victims of energy and happiness, and even of life itself.

P. CALAMUS, Esq.

P. (qu. patience) Calamus, Esq., Editor of a weekly paper devoted to Manufactures, Commerce, Agriculture, the Arts, Poetry, Politics and Religion, sat one bright morning in the gown of his vocation, (a jaunty calico with a yellow sprig, that had hung as a curtain over the bed in which he was born) reading through his horn-rimmed spectacles, a new novel that had been laid that morning upon his table. A chair in which Washington had once sat, (so averred the veracious Auctioneer who knocked it down to him at a sale of tri-legged furniture in Ann Street,) had the honor to sustain his somewhat attenuated proportions, and beneath his elbow stood a structure of deal, called by courtesy in the inventory which last enrolled it, a table. Some fifty unopened weeklys, dailys and other ephemera were tossed into one of its corners, a pair of scissors, some curiously cut and blotted scraps, and a pen redolent of unwiped antiquity, occupied the other, and in the centre stood the three necessities—inkstand, wafer and sand box—clotted and sodden together by the sprinklings of innumerable inspirations. His room, a corner divided by a rough partition from the upper story, whence his enlightened hebdomadal issued, was pasted over with heads of Franklin, Washington, and other heroes and sages, with here and there a stock anecdote, and a maxim from "Poor Richard," and in the corner, upon a type-box for a pedestal, by way of elegance,

stood a noseless bust of Voltaire—its infernal grin reduced by the excision to a most comical expression of ferocity. A triangular shelf across one of the angles of the room supported a much thumbed Johnson, a lampfiller, and an imperfect copy of the Loves of the Angels. On a peg near it hung a well-brushed hat of domestic fabric, and under it a black coat with flaps of a most generous amplitude and length. A box upon the floor, containing a fresh sod (the Editor chewed) and a curtail dog sleeping on the bad poetry under the table, completed his “whereabout.”

To describe an Editor’s physiognomy would be “telling.” Jupiter and all great characters prefer having that left to the imagination. A nose is a nose, though you call it a large one, and to describe that of an Editor!——you see the absurdity at once. Passing that over then—Mr. P. Calamus had enlightened this world some thirty years (by the parish register forty—but that, as Beau Shatterly says, is a —— impertinent invention, and no authority.) All that time, as they say at the boarding houses, he had slept single! whether it was from choice or necessity, is a fact that can only be settled by his posthumous papers. Probably, however, from choice, for there is no accounting for taste, and a woman doubtless might have been found who would call his anatomy *spirituél*. I have noted fancies as strange in my time. He was a bachelor, however—that is certain—and, in evidence, slept with a soft newspaper about his head, wisped into a cap, with a sleight of hand acquired during his apprenticeship as a devil (the printer’s)—a practice which the kindly neighborhood of matrimony must, as you know, have corrected. The only presumption against his bachelorship is in the fact that he did not, like the most of that unfortunate class, grow “melancholy and gentleman-like.” His habits of temper were eminently matrimonial—either diabolically savage, or most unctuously good natured. *In medio tutissimus* was bad Latin to him. He satirized in a passion—he puffed with the horrid merriment of a Satyr.

The Editor had just laid one of his nether limbs carefully over the other, (bones are brittle) when a note was handed in to him, which, with the eloquent nonchalance of his profession, he received between his thumb and finger, without suffering his attention to be diverted. The messenger departed, and he still sat reading, and turning the billet over carelessly in his *feelers*, with the spider-like instinct of all sedentary people. Presently he became conscious of an unusual smoothness in the paper, and, wondering at the extravagance of an advertisement upon gilt edge, he raised it to the near-sighted

focus, and discovered—a *billet-doux*! Yes—folded three-corner-wise, and smelling of essences like a Valentine, there it was—palpable as your palm, and beautiful as any constellation in the Zodiac. The Editor pulled up his dickey, and plumed back the bulbous excrescence upon his long neck, as if the billet had eyes. He read on like a man in a dream:

“Dear Sir —— call —— sign of the Lamb —— a lady —— twelve o’clock —— Yours” —— It was a new sensation. He darted from his chair to a polyangular fragment of looking glass, set like Mosaic in the partition, and passed the features of his face, (its circumference admitted but one at a time) singly before it. “It was a good nose,” he said to himself—“a very good nose!—there was a certain *je ne sais quoi* about it, certainly—something *recherché* and classic. The eye—he had been in the habit of thinking modestly of it—was a good eye; a tinge of green in the iris, it could not be denied—but green was a fair color. The mouth—um!—that was more unpromising, but it stopped short of the ear, and the chin—sharp to be sure, but expressive—after all the *beau idéal* must be taken with license—and there were worse faces than that the gods had given him. He would think well of it, he swore inwardly, henceforth.” Having taken himself into favor, he felt inclined to make his toilet, but there were two eternal hours before the time of assignation, and, with the amiable nervousness of genius, (to say nothing of thrift) he never could abide, when at work, the feeling of his better habiliments. So he sat down again in the calico, and, to while away the time, took up his scissors, and slashed valorously away at the paragraphs.

I am a great enemy to the liberties taken by story-tellers. A fellow will drop you a year in narration, with no more ceremony than an old wife makes in dropping a stitch. If that isn’t impertinent, I’m no judge. Is a man to be called upon to forget nine years, and nothing thought of it? Shall a gentleman keep an imagination for every base quill-driver to draw upon at will? Shall I—reading a book for my pleasure—pass my eye from one line to another, and find myself jumping a chasm of twenty years, whether I will or no? By the mass! I think not. I would as lief, when asked to dine with a friend, hear his tragedy before dinner—or if invited into his garden, be compelled to leap his ditches at peril of my neck. It is not courteous, as I read courtesy. “Having slipped,” therefore, as the *Mirror of Chivalry* says, “I know not by what mischance, into the unelected vocation of a writer,” I shall make myself an example on this point. I

will have no dodging. You shall know what my hero does in the *betweenities* of the story.

Mr. P. Calamus had two mortal hours lying like two self-devouring dragons between him and happiness. They made slow work of it. He dissected paper after paper, nibbled the edges of all the "horrid murders" and "melancholy accidents," and kept his familiar, to that abused person's simple astonishment, running down and up four flights of stairs to look at the clock in State St. and still the hours lingered. It is said, however, that "the longest day comes to the vesper hour." Thirty minutes, in the course of time, were all that remained of the interval, and that, the Editor, with a somewhat prodigal calculation, devoted to dressing. He had just risen and laid aside the wispy Barcelona that, being of a dark color, was assoiled of its sins but once in a calendar year, when a tall, cadaverous looking person walked into his sanctuary with a solemn "good morning," and seated himself in the vacated chair.

"Mr. Editor!"

"Sir!" (the Editor was not usually so crisp, but he began to be alarmed; long-winded visitors are diseases to which the profession is subject.)

"I have called"——

"Yes Sir, I see you have!" (Mr. P. C. began to strap his razor violently.)

"I have called, Sir, as I said before, to request you to publish an account of my——

——"death?"

"No Sir!"

——"abduction?"

"S'death! no Sir!"

——"narrow escape?"

"No Sir! no Sir!" and the gentleman in black started up impatiently, and taking the single stride necessary to traverse the Editor's sanctuary, sat down again. The Editor went on shaving. The visiter went on with his story. His wife had brought him four healthy children that morning at a birth, and he wished the fact communicated to the world. Mr. Calamus stopped in the centre of his cheek, cast a look of compassion on his visiter, took up his pen and noted "unfortunate man—four wives at the breast—sympathy of the public," and resumed his razor.

As the sufferer departed, a rakish, bedeviled-looking fellow, half mustachio and half cravat, entered and laid something that looked very like a cowskin across his table. He then

threw himself into the chair with a violence which threatened its dislocation, and contemplated the Editor's six feet two, with an ominous particularity. The Editor shaved on.

"Is your name Calamus?"

"P. Calamus, Esq.—so christened."

"Well, Mr. P. Calamus, will you be flogged as you are—or do you prefer having your coat on during the operation?"

The Editor turned on his visiter with a stare of ghastly astonishment. He looked first at the cowskin and then at the owner, and then he drew in his eyes, and ran hastily over in his mind all the offensive articles he had lately inserted.

"May I enquire," said he, with the tone of a man who had no right to ask the question, "what claim I have on the honor you propose me?"

Moustache pulled the last paper from his pocket, and pointed to one of the Editor's own brilliant emanations, in which he had assailed the political integrity of a candidate for the office of constable. "That man, Sir," said he, "is an own cousin to a cousin of an intimate friend of your humble servant, who proposes to flog you as deputy, unless you instantly" —

"Write an acknowledgment? With the greatest pleasure in life," interrupted the Editor—too happy by such a simple operation to rid himself at once of his guest, and the awkward alternative. He seized his pen, therefore, and with the elegant facility of a practised writer indited, *currente calamo*, the following apology.

"In a late paper, I, P. Calamus, asserted that Jeremiah —, Esq. was a dishonest man—I can't prove it, and I'm sorry for it."

It was quite sufficient. Moustache pocketed his wrath and his cowskin, paid a merited compliment to the placable temper of the apologist, and took his leave. The Editor lathered anew and shaved on. His beard had profited by the delay, and cut softly and freely. He felt as if his troubles were over. His toilet proceeded, and one limb was just fairly extracted from his week-day integuments, when the door again opened. The Editor reinstated his limb, and swore. It was a gentleman in brown, come to get an authentic opinion upon a "poor Poem" of his. He sat down, and, without looking at the disastrous expression of his auditor's countenance, commenced reading to him a Jeremiad upon the times. What was to be done. If he could go on dressing at the same time—but alas! modesty and the state of his sub-tegu-

mentals alike forbade. He could not expose, even to a poet, the humble arrangements by which his outer man was held together. He strided across the room, and strided back again. His very sanctuary began to look disagreeable to him. The light grew dim, to his eye, the furniture twisted into fiends, and the gentleman in brown was the devil in solemn mockery, tormenting him upon a refined system. And there was the clock—it struck just as the reader commenced a second canto! It was too much. The Editor snatched down his felt, took his better integuments in his hand, with an indefinite idea of changing them somewhere upon the way, and evaporated like a skeleton in a dream.

The cool air refreshed him. He walked along Washington Street, with many a tender reminiscence crowding upon his memory, of times when he had nursed the tender passion in his youth, and of his disappointments, which, he now felt as he fingered the *billet-doux* in his waistcoat pocket, were owing more to a mistaken modesty, than to any want of personal attraction. In the midst of his sentimental dream, he stepped into the shop of an apothecary (of whom he bought his annual doses of Glauber) and changed his unmentionables, and then, with the pair from which he had extracted himself, wrapped in a brown paper, under his arm, he proceeded to his assignation.

The Lamb Tavern, in those days, was an inn of great repute among plain people who loved short reckonings, and preferred buttoning their own vests, and doing such like personal services for themselves, instead of having it done, as at more ambitious hotels, at a shilling a button, by the servants. The entrance was by a narrow passage, a central point between the kitchen and bar-room; and the stable, being directly opposite, the entry was a favorite lounge of nasal connoisseurs, who might stand against the wall, and have the united odors of alcohol, gravies and wet straw, mingled in equal proportions with the common air. It is said that when the stable was burnt, in 1812, and rebuilt further back, the change in the atmosphere was so perceptible, that the half dozen old guzzlers who frequented the spot, began to languish from that date, and the cook and ostler at the same time pining for their accustomed atmosphere, the place grew melancholy, and the Tavern began to decline. It is affecting, and yet pleasant, to look back through the vista of its decay, and imagine Mr. P. Calamus insinuating himself between the protuberant persons of those venerable martyrs, to enquire for

"Miss A. R."—the initials of the document at that moment pressed tenderly between his finger and thumb.

A knock at a door in the second story, introduced the Editor to a darkened room, in one corner of which sat a lady, whose face, in the dim light, he could not distinctly see.

"My dear Editor!" exclaimed a voice with a slight crack in it, (probably from a cold,) "this is so kind of you!"

"My dear madam!" replied the Editor, hitching up his indescribables, and trying to look tenderly in the dark, "this is so condescending of you!"

The dialogue of civilities went on. The Editor bowed. The lady flattered. The Editor complimented. The lady drew up her chair, and lowered her tone. The Editor sighed. The lady looked at him a moment, yielded to his pressing request for a disclosure of her name, and pronounced—

I cannot go on! I call upon Mr. Noah, of the Enquirer, for sympathy. The catastrophe is too affecting. A rush was heard in the "blue parlor"—a figure hurried down the stairs, called for water, and—tears blind my vision!

A coroner's inquest was held that night at the Lamb Tavern, on the body of a suddenly deceased gentleman. The jury, after a slight consultation, returned as a verdict—"that the deceased came to his death in consequence of *excessive A—e R—y—l!*"

LEAVES FROM A MANUSCRIPT.....NO. II.

"Nare captans,
Quicquid de violis surrepit aura."

I promised in my last, that this number should consist of extracts from, and remarks upon one of Beaumont and Fletcher's plays. These writers may be read to advantage, and with pleasure, by those who know well how to separate the scenes which naturally repel the virtuous mind, from those which are full of beauty and morality: but, in the hands of the reader, who only seeks the gratification of low and licentious curiosity in the perusal of their pages, the Dramas of Beaumont and Fletcher may doubtless be made vehicles for the dissemination of a wicked and depraved taste. I have been reading "The Custom of the Country."—The subject, like that of most

of those which were selected as the themes of these authors' plays, leads to the introduction of many disgusting scenes; but I want nothing from the dunghill but its jewels, and these are scattered profusely upon it. This "Custom," which made every new-married woman in Scotland, sacrifice her honor to the landlord of her husband, is said, but upon little authority, to have existed in that country from A.D. 535 to 1061. Blackstone, I find, was of the opinion that it did, and it has been mentioned as existing for many years by various writers. It is a drama of most varied and interesting events; ingenious in its plots; full of fine sentiments, and embracing, as its main object—the purest virtue. But, with wonderful inconsistency, it is shamefully low and licentious in some of its subordinate parts; and one of its principle characters (Rutilio) is exhibited in the most disgusting views imaginable. He is represented as vile, but frank and open-hearted—like Charles Surface and Tom Jones: a picture of human nature, which, in my opinion, cannot be condemned with too much severity.

If I have, in the following notes, been able to tear out the threads of coarseness, which spoil the moral of this play, and to exhibit its beauties in any degree—perhaps the scenes, from which the mind of the strictly virtuous world shrink, may be passed by, as only evincing the depravity of the age in which they were written; while, it is to be hoped, they may find reason to be convinced, that the writers themselves felt strongly the elevation of that virtue, which they have vindicated with so much eloquence. But so deeply, I admit, are the delineations of vice interwoven in the pictures of these authors, that Beaumont and Fletcher can be safely read by those only, who, admiring genius, may not be swayed by its obliquities, nor be led by it to taint a single thought, or awaken a vulgar and base emotion, even for a moment. And there are, indeed, purer and safer fountains. These writers have nothing of genius, which Shakspeare and Milton had not. Let the mind and the heart be accustomed to the refined, the pure, in morals and in taste, and then it may safely venture to gather the riches, which unblest genius has sometimes perverted into ornaments of depravity, and nobly and successfully redeem them to grace the cause of human greatness, purity and virtue.

I have alluded already to the characteristics of Rutilio, one of the most important of the "Dramatis Personæ" in the play before us: Zenoccia, the Heroine, *resists* the "Custom of the Country" I have mentioned, and from the consequences of

this, her noble bravery, is woven the plot. In her mouth are put many fine and virtuous sentiments :—

“The purest springs,—
When they are courted by lascivious land-floods,
Their maiden pureness, and their coolness perish ;
And, though they purge again to their first beauty,
The sweetness of their taste is clean departed.”

Who does not, from his heart, despise the man, that can torture this passage into anything exceptionable?

Rutilio, vile as he is, is filled with admiration of the fine and virtuous love of Zenoccia and (his brother) Arnaldo. In Rutilio's speeches, there is spirit, and occasional wit, but I pass these over, for reasons already adverted to. By assistance of these, Zenoccia escapes, and they leave the country to preserve her fame, after which they fall into the hands of enemies, which closes Act I. The second Act commences, (as if entirely unconnected with the former,) with the representation of a vain, boasting Portuguese, Duarte, whose insolence is overheard and reproved, as he was talking to his page, by his uncle, Manuel, and Guiomar, his mother. The former thus addresses him :—

“You are too insolent,—
And those too many excellencies, that feed
Your pride, turn to a pleurisy, and kill
That which should nourish virtue. Dare you think
All blessings are conferred on you alone?—
You're grossly cozened. There's no good in you
Which others have not. Are you a scholar? So
Are *many*, and as knowing! Are you valiant?
Waste not that courage then, in brawls,—but spend it
I' th' wars, in service of your king and country.”

In the next scene, Zenoccia is introduced at Lisbon, as prisoner of a sea-captain, Leopold, who employs her to be a servant to Hippolita, of whom he is enamored. Leopold suffered Arnaldo, (the husband of Zenoccia) and Rutilio (his brother) to escape, and they plunged into the sea. In the next scene, they are found at Lisbon. Hippolita had, by chance, seen Arnaldo, and became much in love with him, and had sent Zabulon, a Jew, to bribe his faith and virtue : the Jew finds the brothers at this moment, and is soon left alone, in conversation with Arnaldo. Rutilio, immediately after, accidentally witnesses a quarrel between Duarte and Rutilio, takes side with the latter, and is insulted by Duarte. He engages him : Duarte falls. Rutilio, escaping, encoun-

ters the mother of his opponent. She is represented as kneeling, in solicitude for her son's long absence :—

“ I'll rest no more
Till he returneth ! Take away the lights too ;
The moon lends me too much to find my fears ;—
And those devotions I am to pay,
Are written in my heart, not in this book,
And I shall read them there, without a taper !”

Rutilio claims her protection : Guiomar conceals him :—

Guiom. “ How he quakes !
Thus far I feel his heart beat ! Be of comfort,—
Once more I give my promise for your safety.”

The officers enter with the body of Duarte, and say they have traced the murderers to the house. But she keeps her vow, and he is liberated :—

Guiom. “ Come fearless forth,—but let thy face be covered,
That I hereafter be not forced to know thee ;—
For motherly affection may return
My vow, once paid to heaven,” &c.

The third Act commences with the introduction of Zenocia, by Leopold, as about to become the favorite of Hippolita. He offers her encouragement to soothe her melancholy, in these words :—

Leop. “ Make much of what you're mistress of—that beauty ;
Expose it not to such betraying sorrows :—
When you are old, and all those sweets hang withered—
Then sit and sigh.”

In the next scene, we find Arnaldo conducted by the Jew, (Zabulon) to a scene of festivity, at the same house (Hippolita's) to which he had been invited, for purposes already adverted to in my notes. I would remark, *en passant*, that this scene may have been in the mind of Miss Porter, in her *tolerably poor* story of the “ Hungarian Brothers,”—and again, in that of the more poetical Moore, in his glorious description of the blandishments and seductions, which Selim so beautifully and nobly rejects, in the “ Veiled Prophet of Khorassan.” This scene is very exceptionable in its descriptions, but Arnaldo resists, in all the dignity of virtue : methinks *he out-Selims Joseph himself* !—

Arnal. “ —give me leave, more now than e'er, to wonder,
A building of so goodly a proportion,—
Outwardly, all exact,—the frame of heaven,—
Should hide, within, such foul inhabitants.
You are as fair as if the morning made you—

Imagination never made a sweeter.

Can it be possible this frame should suffer,
And, built on slight affections, fright the viewer?
Be excellent in all, as you are outward,
The worthy mistress of those many blessings
Heaven has bestowed ;—*make 'em appear still nobler,*
Because they are trusted to a weaker keeper."

In the next scene, Hippolita is informed that Arnaldo is arrested, and condemned to be beheaded, on the testimony of Zabulon, for a crime which he, of course, has never committed. Then we are introduced to Clodio, (who was the landlord of Arnaldo, to whom the "Custom," required the virtue of his new wife should be sacrificed, and who, with promises of only "honorable love," had followed them to Lisbon, to seek out Zenoccia.) He is disguised, and meets the Governor, with Arnaldo, *bound*. A physician informs the Governor, that Duarte will recover, and Hippolita, (with Leopold, Zabulon, and Zenoccia) enters, with the design of receiving Arnaldo : for, she says, "my love,

"Which made me first desire him, then accuse him,
Commands me, with the hazard of myself,
First to entreat his pardon, then acquit him."

Arnaldo is pardoned, but becomes jealous upon finding Zenoccia a servant of Hippolita.

At the commencement of Act IV. we find Duarte restored to health, and cured of pride. He resolves to discover and forgive the person who had wounded him, and for that purpose, his recovery is concealed. Leopold, jealous of Arnaldo, bargains with a bravo,

"Who hath perused all dungeons in Portugal,"

to give Arnaldo a beating, "*but the obduracy of the rascal makes him tender.*" Zabulon acquaints the captain that he has promised Arnaldo a conference with Zenoccia. Upon this interview Hippolita and Zabulon enter unobserved. The scene deepens in interest. Hippolita is resolved on vengeance, and the Jew prepares to strangle Zenoccia. Arnaldo sues for the life of his wife at the feet of her mistress—upon which, Zenoccia—

"Kneel not, Arnaldo! do her not that honor,
She is not worthy such submission;
I scorn a life depends upon her pity!
Proud woman! do thy worst—and arm thine anger
With thoughts as black as hell,—as hot and bloody!
I bring a patience that shall make thee blush—
An innocence, shall outlive thee, and death too!

He is then renewedly solicited by Hippolita for his love, and Zenoccia expostulates, in high eloquence, against his consenting—

Zenoc. "If thou dost, Arnaldo, if thou dost but move,
But move one foot to guide thee to this sin,
My curses, and eternal hate pursue thee!
Redeem me at the price of base disloyalty," &c.

They are interrupted by the arrival of the Governor, *Clodio*, Leopold, &c.—and then Zenoccia is released from servitude. In the next scene, which I shall pass over, we have deep misery portrayed in close connection with its parent, *vice*. Duarte finds Rutilio, who begs him to carry proposals of marriage to his (Duarte's) mother, not knowing her as such: (for Duarte pretends, himself, to be an enemy of the man, whom Rutilio supposes *himself* to have killed;)—and suspects his mother, on learning she had protected his supposed murderer. Hippolita is next seen contracting with a poisoner, who promises that

"Health takes its last leave of her;* meagre paleness,
Like winter, nips the roses and the lilies,—
The spring, that youth and love adorned her face with."

Zabulon, soon after, reports the fulfilment of this promise, and then the Governor and *Clodio* are introduced, lamenting her death, in a very fine scene. This changes, and represents Duarte watching his mother, as she weeps over his own picture, (she believing him dead.) He presents himself disguised, and gives her Rutilio's proposal of marriage, and narrowly observes her countenance, as she reads the letter. She is resolved to dissemble, and avenge the supposed death of her son. Then we are called to see the dying Zenoccia:—

Arnal. "Oh thou dread power!—
That madest us all, and, of thy workmanship,
This virgin wife—this masterpiece—look down on her;
Let her mind's virtues, *clothed in this fair garment*,
That worthily deserves a better name
Than flesh and blood, now rise and prevail for her!
Or, if these are denied, let *innocence*,
To which all passages in heaven stand open,
Appear, in her white robe, before thy throne,
Once mediate for her! Or, *if this age of sin*
Be worthy of a miracle, the sun,
In his diurnal progress, never saw
So sweet a subject to employ it on."

* Zenoccia.

Zenoccia recovers a little, and says :—

“ Oh ! my best Arnaldo,—
The truest of all lovers !—I would live,
Were heaven so pleased, but to reward your sorrow
With my true service.”

She then attempts to dissuade him from exposing himself to the infection, which the poison had created, and he declares that—

“ Despite of fortune, in my death I'll follow you,
And guard my love.”

And the general sentiments are in a very high moral strain.—Hippolita and the poisoning minion are introduced, like Satan into paradise,—and Arnaldo addresses her in the following beautiful and moving paragraph :—

“ Are *you* there, madam ? Now,
You may feast on my miseries. My coldness
In answering your affections—or hardness,
Give it what name you will—you are revenged of ;
For now you may perceive *our thread of life*
Was spun together ; and the poor Arnaldo
Made, only to enjoy the best Zenoccia,
And not to serve the use of any other,” &c.

“ We are now
Going our latest journey, and together
One only comfort we desire—pray give it !
Your charity to our ashes, (such we must be,)
And not to curse our memories.”

Even Hippolita is moved with this ; *Clodio* is overcome, and binds himself by a vow, to destroy the “ barbarous Custom,” the cause of all these misfortunes. Here Hippolita, finding that Arnaldo and Zenoccia are perishing together, compels the poisoner to administer an antidote to them both, and undo the fatal, deadly charm.

We are next presented to Guiomar, waiting the arrival of her suitor. The scene between them is fine—and that part of Rutilio's character which is redeemed from his vices, is here exhibited with great spirit. Duarte attends him, still disguised. Rutilio is then seized by Guiomar's orders, as the murderer of her son. Enter the Governor and *Clodio*—and Rutilio proposes to yield himself, a willing offering to her griefs. Hereupon Duarte makes himself known, and

“ The evening sets clear after the stormy day.”

Hippolita restores Zenoccia to health, and smiles upon the patient captain. Guiomar sees no objections in Rutilio, upon the whole—(though, I think, touching his morals, it suited so grave a personage as that lady was, to make an enquiry or two

to save appearances :) everybody is reformed, who was bad—everybody revived who was dead—and everybody who was single, married ! And what does Arnaldo but close the play, (as with good reason he should) with the following fine lines?

“Come, my Zenoccia!

Our bark, at length, has found a quiet harbor,
And the unspotted progress of our loves
Ends *not alone in safety, but reward*;
We instruct others by our fair example,—
That though good purposes are long withstood,
The hand of heaven still guides such—as are good.”

Newburyport.

O***.

THE EDITOR'S TABLE.

THE Spring is here—the delicate-footed May,
With its slight fingers full of leaves and flowers,
And with it comes a thirst to be away,
Wasting in wood-paths its voluptuous hours—
A feeling that is like a sense of wings,
Restless to soar above these perishing things.

We pass out from the city's feverish hum,
To find refreshment in the silent woods;
And nature, that is beautiful and dumb,
Like a cool sleep upon the pulses broods.
Yet even there a restless thought will steal
To teach the indolent heart it still must *feel*.

Strange that the audible stillness of the noon,
The waters tripping with their silver feet,
The turning to the light of leaves in June,
And the light whisper as their edges meet—
Strange—that they fill not, with their tranquil tone,
The spirit, walking in their midst alone.

There's no contentment in a world like this,
Save in forgetting the immorta' dream;
We may not gaze upon the stars of bliss,
That through the cloud-rifts radiantly stream;
Bird-like, the prisoned soul *will* lift its eye
And sing—till it is hooded from the sky.

So much for May-day philosophy ! If there is one season of the year more than another, when the philosophy (or poetry, for it is the same thing—and, for that matter, religion too, and morals)—we say, if at any time there is a tide of these

better sentiments in the mind, it is under the bright skies, and in the thrilling atmospheres of the month now over us. It is singular, too. The influences of the Spring are the most indolent and voluptuous in nature. The passionate dream, the luxurious repose, the wandering, speculating, admiring moods of the fancy, come with an irresistible power upon the wings of its south-west, making voluptuaries of us all; and yet, strange as it appears in theory, instead of stagnation and licentiousness, the natural results, it would seem, of such influences, the mind takes dignity and elevation, and approaches nearer than ever to the severe simplicity of the virtues. Why is it? We leave it in your hands, dear Reader. It shall be one of the things we will discuss, when you do us the honor to occupy the dormeuse that is dusted daily for you in our sanctuary.

The English booksellers, among their daily and aggravated sins of literature, hit now and then upon a book, or a class of books, in which there is a partial redemption. They have fallen lately into a way of reprinting the old writers in beautiful editions, selected or entire. It is really curious to take up a dainty, silken-covered, fashionable-looking volume, in linen paper and fair type, and find under it some old friend whom one has known, time out of mind, as an antique gentleman, venerable in worm-eaten parchment, and illuminated Roman. It seems at first a little ridiculous and irreverent; and there are some authors who have been thus revived, Burton for instance, to whose new complexion you cannot in any sort reconcile yourself. But mainly, it is a delightful transformation, and we read Jeremy Taylor, now, in courtly "pica, thin-faced and leaded," (a holiday suit of type) and think it accords well with the golden music, and delightful fancifulness of the sunny-tempered, cheerful old writer. Milton's Prose reads well in this new complexion, and Basil Montagu has made a handsome volume of selections from South and Latimer, and others of that brotherhood, which is fit to lie in a drawing-room for its tasteful selectness of passages and beauty of execution. We know nothing which corrupts the severe little gentleman who keeps the poor man's exchequer, like a temptation of this sort. We can pass very heroically by your rare cameo, or your *recherché* bosom studs. A beautiful print is sometimes not irresistible. A dog, or a knowing whip, or a curiously set eye-glass, nay, a wine from Herculaneum even, or a thrice proven *Margaux*, may be let slide with philosophy. But a book—a dear glorious old author, whom you have hugged to your heart with delight, in

the dim corner of a library, and repeated from to your mistress, and written from in your olio, hour after hour, with the tears in your eyes—to find *him* in silk and linen, his inner man not altered, and his outer as kindly as eye-water to your weakly optics—that is what we call a temptation!—that is what we cannot, for the soul of us, resist buying, and without “beating down,” (I would as lief, by the way, pluck an author by the beard) though our “devil” went barefoot in consequence, and the *blanchisseuse* took our note for the last dozen.

The newest gem in our cabinet is a beautiful edition of the “Miscellaneous Works of Sir Philip Sidney,” with notes and a biography. Its wire-woven leaves lie open before us at this moment, fair and white, like a printed lily. It is worthy of its subject—worthy of “him,” as Coleridge says—“the paramount gentleman of Europe, the soldier, scholar and statesman in one—England’s Sir Philip Sidney.” It is a glorious book;—not for its poetry—for though he was a skilful sonneteer, it is not much in the blaze of poetical genius that has kindled since—but for the admirable excellence, and stainless glory of his life, and for that masterpiece of thought and of English, the “Defence of Poesy.” He who can read the biography of Sir Philip Sidney, and not feel the bright honor and emulation of his soul stirred within him, “as with the sound of a trumpet,” can be no born gentleman, or true heart. “Of his youth,” says Lord Brooke, “I will report no other wonder than this, that though I lived with him, and knew him from a child, yet I never knew him other than a man; with such staidness of mind, lovely and familiar gravity, as carried grace and reverence above greater years. His talk ever of knowledge, and his very play tending to enrich his mind; so as even his teachers found something in him to observe and learn above that which they taught.” We are in the habit of saying that great early promise is not often fulfilled, and it is doubtless true. Dulness and timidity find it easier to be virtuous than vicious in youth. But Sidney was one of those accidents of perfection, which, like an integral crystal, may occur, though by the rarest chance, and at a distance of ages. His manhood was as signal as his youth. He seems to have moved in an increasing light as he advanced. On leaving the University he went abroad in the train of the Earl of Lincoln, Ambassador to France. His deportment at Paris attracted the marked attention and approval of Charles, the reigning monarch; and his winning address secured the respect and friendship of Henry of Na-

varre—even a greater compliment to a man of Sidney's high-minded feelings than the other. The celebrated Hubert Languet contracted an almost paternal affection for him, and quitted his public functions to become a "nurse of knowledge to this hopeful young gentleman," and subsequently made an express journey from a distant part of the continent, to see him in England. His biographer says, of his residence abroad :—

"Sir Philip neglected no opportunity, that was offered to him on his route, of increasing his stock of accomplishments, which was already so extraordinary. At Vienna he received lessons in horsemanship, and the several martial exercises of the age ; at Venice he held intercourse with all the brightest spirits of the proud republic, then in the zenith of its magnificence ; and at Padua he again applied himself, with all his early assiduity, to the acquisition of geometry, astronomy, and the other branches of study usually prosecuted in that yet flourishing University. Here, also, he had the singular felicity of forming an acquaintance with Tasso, who had been for some time known to the world as a distinguished cultivator of the muses, and whose splendid and immortal effort, the '*Gierusalemme Liberata*,' was then partly executed, and rapidly advancing towards its completion."

"Soon after his return he made his debut in fashionable life, and straightway became the delight of every circle that was favored with his acquaintance and familiar intercourse. Indeed, 'he was so essential,' if we may believe Fuller, 'to the English court, that it seemed maimed without his company, being a complete master both of matter and language.' Queen Elizabeth herself received him with the most flattering civilities, 'and called him,' says Zouch, '*her Philip*.' "

He now entered upon diplomacy, and acquitted himself to the entire satisfaction of the Queen, and her counsellors, won over to his friendship Lord Burleigh, the political enemy of his family, and with much danger to himself, and great boldness, defended his father from some imputations made by the court favorites upon his administration in Ireland. About this time, Elizabeth listened to the addresses of the Duke of Alencon, which called forth Sir Philip's famous remonstrance to the "throned vestal," which has been called "the most eloquent and courageous thing of its kind in history." His next affair of consequence was at the "tourney, with sword and lance," celebrated in the presence of Elizabeth and the whole court. He distinguished himself, but the prize was adjudged to the "haughty Earl of Oxford," with whom soon after he quarrelled, exhibiting great courage and coolness, but offending the Queen. He went into retirement for a while, and there composed the "*Arcadia*," a poem abused by Horace Walpole and Mr. Hazlitt, but admired, at the time of its production, extravagantly, and by many modern authentic critics considered of a high order. We do not relish it much

ourself, but when such distinguished disputants are concerned, we are quite willing to put it among the cases of "*de gustibus*"—suspending our opinion. There is a beautiful criticism upon it in the work before us:—

"The *Arcadia*, with all the imperfections that can be laid to its charge, is a rich mint of deep feeling, and of varied excellence. It displays a fancy, it is true, which often ran riot amid the diversity of its creations, and a taste that sometimes erred from the infinite seductions to which it was exposed. But the work invariably makes atonement by the stately eloquence of its descriptions, and by the delicious incense which it offered up to the cause of virtue and true heroism.

"'Against the criticisms of its detractors,' says an elegant and enthusiastic writer in the *Retrospective Review*, 'the best defence will be found in the production itself, to which we confidently refer our readers. That it has many faults, we do not deny; but they are faults to which all the writers of his time were subject, and generally in a greater degree. It has been said that his language is very quaint; but we may safely ask, what author is there of his age in whose language there is in reality so little of quaintness? Let us remember a work which the *Arcadia* contributed, more than anything else, to consign to oblivion; a work which, for a long time, was in high fashion and celebrity; and the style of which is, perhaps, more elaborately and systematically bad, than that of any work in the whole extent of literature. We mean Lilly's *Euphues*. With it let us compare Sir Philip Sidney's *Arcadia*—the style he introduced, with the style he contributed to banish; and we shall then regard him as the restorer of the purity of our language, and as meriting our eternal gratitude and respect. The language of the *Arcadia* is, indeed, as much superior to that of the *Euphues*, as is the varied melody of the nightingale to the monstrous harshness of the jay.—Another radical fault in the *Arcadia*, is the defect of the species of writing, of which it is a part—the heroic and pastoral romance, either disjunctively or commixed. But, so far from lowering, this primary disadvantage ought rather to increase our admiration of his genius, who has been able to give attraction to so preposterous a kind of composition. Who would not applaud the ingenuity of him, who could engraft with success the apricot on the sloe, or the nectarine on the crab? When we see a structure irregular and clumsy, but built of massy gold, however we may censure its defective plan, yet surely we must admire the richness of its materials.—The feeling which the perusal of the *Arcadia* excites, is a calm and pensive pleasure, at once full, tranquil and exquisite. The satisfaction we experience is not unsimilar to that of meditation by moonlight, when the burning fervor of the day has subsided, and everything which might confuse or disorder our contemplation is at rest. All is peaceful and quiet, and clear as a transparency. The silvery glittering of the language, the unearthly loftiness of its heroes, the etheriality of their aspirations, and the sweet tones of genuine and unstudied feeling which it sounds forth, all combine to imbue our souls with a soft and pleasing melancholy. We feel ourselves under the spell of an enchanter, in the toils of a witchery, too gratifying to our senses to be willingly shaken off, and therefore resign ourselves without resistance to its influence. By it we are removed to other and more delightful climes—By it we are transported to the shady groves of *Arcady* and the bowery recesses of *Tempe*; to those heavenly retreats, where music and melody were wafted, with every sighing of the breeze, along

their cool and translucent streams. We find ourselves in the midst of the golden age, with glimpses of the armed grandeur of the age of chivalry. We find ourselves in a period of conflicting sights and emotions, when all that was lovely in the primitive simplicity of the one, and all that was fascinating in the fantastic magnificence of the other, were united and mingled together; where the rustic festivity of the shepherd was succeeded by the imposing splendor of the tournament, and the voice of the pastoral pipe and oaten reed, were joined with the sound of the trumpet, and the clashing of the lance.' "

After leaving his retirement, we find Sir Philip solicited, by several of the Powers of Europe, to engage in their military undertakings, and he seems, indeed, after this period, to have become renowned, in every court of the civilized world, for his courage and accomplishments. He remained in the service of his sovereign, however, for some time, and then again went into seclusion for a while, and composed his *Defence of Poesy*. This, in our opinion, is the true and only indisputable monument of Sidney, and if it had not so immediately preceded the appearance of Shakspeare, would have been that also of the age. The biographer speaks thus of it:—

"Part of the fruits of his meditation was his much celebrated *Defence of Poesy*, one of the noblest tributes ever offered to the allurements of the muse. It belongs, in fact, to the small number of those happy creations, which he alone could either have produced or devised, who has been touched and purified with the sacred fire of true genius. Originally designed as an answer to certain diatribes of the Puritans—a sect which was then springing rapidly into notice, and beginning to signalize itself by an austere and fierce aversion to all the elegant recreations of society and of mind—it remains an imperishable monument of the digested learning of its author, and of the engaging facility with which he could turn his talents to account. It has been aptly described, in his own words, as the 'sweet food of sweetly uttered knowledge;' as the out-pouring and register of those 'high-erected thoughts,' which are solely to be found seated in their purity 'in the heart of courtesy.' At the same time it contains few of those mannerisms, and studied affectations of his day, with which, it must be confessed, his larger work is often deformed. This is, on the contrary, a plain and practical treatise, seeking, above all things, to carry conviction by its illustrations and its arguments, and making fancy and ornament entirely subservient to the cause of persuasion and of truth. Yet the imaginative genius of the author frequently bursts forth in all its splendor, and strews his didactic path with a galaxy of the most brilliant conceptions. He seems here to follow religiously the memorable advice with which his muse favored him on another occasion—'look in thy heart and write.' "

It is, indeed, a production worthy the best eulogium of criticism. Learned, chaste and luxuriant, it is the clearest of arguments, and the finest specimen of appropriate ornament and grace. In the stiff literature of the age, it indicated no ordinary independence, to cast off the affectations and tram-

mels of the received models about him, and write with ease and nature. Observe with what a simple grace he enters upon his theme :—

“When the right virtuous E. W. and I were at the emperor's court together, we gave ourselves to learn horsemanship of Gio. Pietro Pugliano ; one that, with great commendation, had the place of an esquire in his stable ; and he, according to the fertility of the Italian wit, did not only afford us the demonstration of his practice, but sought to enrich our minds with the contemplation therein, which he thought most precious. But with none, I remember, mine ears were at any time more laden, than when (either angered with slow payment, or moved with our learner-like admiration) he exercised his speech in the praise of his faculty.

“He said, soldiers were the noblest estate of mankind, and horsemen the noblest of soldiers. He said, they were the masters of war, and ornaments of peace, speedy goers, and strong abiders, triumphers both in camps and courts : nay, to so unbelieved a point he proceeded, as that no earthly thing bred such wonder to a prince, as to be a good horseman ; skill of government was but a ‘pedanteria’ in comparison. Then would he add certain praises, by telling what a peerless beast the horse was, the only serviceable courtier, without flattery, the beast of most beauty, faithfulness, courage, and such more, that if I had not been a piece of a logician before I came to him, I think he would have persuaded me to have wished myself a horse. But thus much, at least, with his no few words, he drove into me, that self-love is better than any gilding, to make that seem gorgeous wherein ourselves be parties.

“Wherein, if Pugliano's strong affection and weak arguments will not satisfy you, I will give you a nearer example of myself, who, I know not by what mischance, in these my not old years and idlest times, having slipped into the title of a poet, am provoked to say something unto you in the defence of that my unelected vocation ; which, if I handle with more good will than good reasons, bear with me, since the scholar is to be pardoned that followeth the steps of his master.”

We are impatient of our limited bounds, when we come upon such a production as this. Our pages would have a halo about them to our eye, if we could extract but half the beauties we have run our pencil against in the perusal. The varieties of cadence in his sentences have the constant surprise of fine and difficult music ; and the phrases and epithets, in which he speaks of the “heart ravishing knowledge” of Poesy, are unrivalled for their expressiveness and beauty. “Nature,” he says, “never set forth the earth in so rich tapestry as divers poets have done ; neither with so pleasant rivers, fruitful trees, sweet-smelling flowers, nor whatsoever else may make the too-much-loved earth more lovely ; her world is brazen, the poets only deliver a golden.” “The poet,” he says again, “is the true popular philosopher. His discourse carries an apparent shining. He cometh to you with words set in delightful proportion, either accompanied with, or prepared for, the well-enchanted skill of music ; and

with a tale, forsooth, he cometh unto you with a tale which holdeth children from play, and old men from the chimney-corner. I never heard the old song of Percy and Douglas, that I found not my heart moved more than with a trumpet; and yet it was sung but by some blind minstrel, with no rougher voice than rude style; which being so evil-apparelled in the dust and cobweb of that uncivil age, what would it work, trimmed in the gorgeous eloquence of Pindar."

We cannot help feeling our fingers tingle, as we write out these sentences for new admiration, after a lapse of nearly four centuries since the death of their author. It is bringing to pass the very top-dream of ambition—not to be remembered alone, but so remembered as a star might be, that, in a measureless orbit, should, at intervals of ages, return and become visible to a worshipping world.

To revert to the Biography,—soon after the completion of the Defence of Poesy, Sir Philip married the daughter of Sir Francis Walsingham, though his affections were long previously devoted to the daughter of the Earl of Essex, the enemy and rival, as the reader will remember, of the Earl of Leicester, Sidney's uncle. Very little is said of him in this relation, though the passionate admiration expressed for his first love, in his Poem of *Astrophel and Stella*, leave us to conjecture that he may not have formed an exception to the usual fate of genius in such matters. He was, after this, knighted as proxy to his acquaintance and admirer, John Casimir, the Prince Palatine of the Rhine; engaged in a controversy in defence of his uncle Leicester; entered partly into some designs of enterprise, and, being appointed general of the horse in the Protestant campaign, in the Netherlands, was killed under the walls of the fortress of Zutphen. This is but a skeleton outline of such a life as Sidney's, but we give it, trusting that the curiosity of the reader will tempt him to fill it up with his own perusals. He will find his reward in it.

"Thus perished," says the biographer, "in the prime of his days, and the zenith of his hopes, the man who was, above all others, the idol of his times—

"The soldier's, scholar's, courtier's, eye, tongue, sword."

"Gentle Sir Philip Sidney," says Tom Nash, in two sweetly-flowing sentences of his *Pierce Penniless*, "thou knewest what belonged to a scholar; thou knowest what pains, what toil, what travel, conduct to perfection; well couldst thou give every virtue his encouragement, every art his due, every

writer his desert, 'cause none more virtuous, witty or learned than thyself. But thou art dead in thy grave, and hast left too few successors of thy glory; too few to cherish the sons of the Muses, or water those budding hopes with their plenty, which thy bounty erst planted." "He was not only of an excellent wit," relates in his own confused and rambling way, the eminent antiquarian John Aubrey, who was born not more than forty years after Sidney's decease, "but extremely beautiful; he much resembled his sister, but his hair was not red, but a little inclining, viz: a dark amber color. If I were to find fault in it, methinks it is not masculine enough; yet he was a person of great courage."* "He was, if ever there was one," says another writer, "a gentleman finished and complete, in whom mildness was associated with courage, erudition mollified by refinement, and courtliness dignified by truth. England will ever place him among the noblest of her sons, and the light of chivalry which was his guide and beacon, will ever lend its radiance to illumine his memory. He died at the age of thirty-two, and if the lives of Milton and Dryden had not been prolonged beyond that period, where would have been their renown?"

Glorious Sidney! It stirs the blood warmly about one's heart to think of him. It is somewhat late in the day, we know, to eulogize him, but his bright honor and his beautiful career, are among our earliest historical recollections, and we have remembered it since with the passionate interest that in every one's mind, burns in, with an enamel of love, some one of the bright images presented in boyhood. You have some such idol of fancy, I dare answer for it, Reader of mine—some young (for young he must be, or affection stiffens into respect)—some young and famous, and withal courtly, and perhaps "beautiful" winner of a name. It is Gaston de Foix, perhaps, with his fierce thirst for glory, (the pictures of him by the old masters are models of manly beauty) or the Fourth Henry with his temper of romance, (the handsomest man in his kingdom) or, (if you loved your classics) Alcibiades, (you forget of course that he was a voluptuary) or the generous Antony, ("Shakspeare's" rather than the historian's) or if you loved boys, (a strange but beautiful passion of the ancients) Hylas, or Endymion, or Phaeton, (he cleared the first few planets in fine style) or some other *formosis puer* adored and sung by the glorious old bards upon the shores of Tiber or Ilissus. He rises to your mind as I

* Very much the description of Shelley.

mention it—a figure of graceful youth, the slight and elegant proportions of the boy, just ripening into the muscular fulness of manhood—his neck rising with a free majesty from his shoulders, and his eye kindling with some passing thought of glory, answered by the proud and deliberate curving of his lip, and the animated expansion of his nostril. You see him with your mind's eye—the classic model and classic dream of your scholar-days, when the sound of the leaves in the tree over you had the swell of an hexameter in your ear, and your thoughts came in Latin, and a line of Homer sprung to your lips in your involuntary soliloquies. Ah! those were days for dreams! who would not let slip the straining grasp of manhood—be it at wealth, fame, power—anything for which he is flinging his youth and gladness and all his best treasures behind him—to be once more the careless dreamer that he was—to lie once more upon a hillside and forget everything in the unquestioned and unshadowed blessedness of a boy!

We should feel a little nervous sometimes about our apostrophes and other out-of-the-way things, dear Reader, if we had not warned you beforehand. Are we not round the Editor's Table, and did we not devote it to the god of misrule in the beginning? It is no business of people out-of-doors, therefore, that we have taken up an old book and prated anew of it. It is a "way we have"—and, by 'r Lady, we think it is not a bad one. We like these Parthian glances. There is a dash of chivalry about those old fellows of Elizabeth's days, which makes us sigh that we had not honored this world some few centuries earlier. Your true gentleman is out of print. The worms have eaten up the last copy. Washington Irving is, (as the bookbinders say) "bound to match," but the high-hearted Sir Philip would not so have parted from his country. How simply astonished would be Sir Walter Raleigh and the courtly Beaumont to walk out from their ceremonies and — dine with the critics! Fix your eye upon two or three of them, and imagine the Flower of Chivalry looking upon them as the "gentle admirers of the divine delightfulness of poetry!" In his days the love of letters was another name for *humanitas*—gentle breeding. Alas! for the coarser clays of which modern writers are moulded—the inward light does not now, as in his time, shine through. "Gentleman and scholar" is no phrase of course. The same pen that traces sentiment in a romance, records (shade of Sir Philip, forgive the mention!) that "a pig's liver is nice fried!"

There are some books, which, quite aside from their intrinsic merits, are read with extreme interest from the circum-

stances in which they were written. Posthumous works are often of this character. A small volume is in our hand, written by Sir Humphrey Davy in his last sickness. It is a series of conversations upon familiar philosophies—just such as you would suppose might occupy the undress hours of a curious and highly cultivated mind. They are mostly upon topics of a serious cast, and show the gentle and rational influence of a life of elevated study and contemplation—an influence, which, unless struggled against by a determined counter-current, ends in religion as naturally as dawn in the light of day. There is nothing particularly brilliant or novel in these discussions, but they are clear, and exhibit a perfect possession of mind, and great refinement and even poetry of character. It is a beautiful thing, indeed, that during a sickness which was unusually painful, he should have held his powers at the calm command necessary for such pursuits. It is not an easy thing to subdue the unquiet nerve of disease, and we cannot help looking upon the pleasant-tempered and well digested book before us, as no less a triumph over human ills, than a consistent and touching monument of his individual character. We make a single extract from it, which needs no comment :—

“The doctrine of the *materialists* was always, even in my youth, a cold, heavy, dull and insupportable doctrine to me, and necessarily tending to atheism. When I had heard with disgust, in the dissecting rooms, the plan of the physiologist, of the gradual accretion of matter, and its becoming endowed with irritability, ripening into sensibility, and acquiring such organs as were necessary, by its own inherent forces, and at last rising into intellectual existence, a walk into the green fields or woods, by the banks of rivers, brought back my feelings from Nature to God. I saw in all the powers of matter the instruments of the Deity; the sunbeams, the breath of the zephyr awakened animation in forms prepared by Divine intelligence to receive it; the insensate seed, the slumbering egg, which was to be vivified, appeared, like the new-born animal, works of a Divine mind. I saw *love* as the creative principle in the material world, and this love only as a Divine attribute. Then, my own mind, I felt connected with new sensations, and indefinite hopes, a thirst for immortality. The great names of other ages, and of distant nations, appeared to me to be still living around me; and even in the funeral monuments of the heroic and great, I saw, as it were, the decree of the indestructibility of mind. These feelings, though generally considered as poetical, yet, I think, offer a sound philosophical argument in favor of the immortality of the soul. In all the habits and instincts of young animals, their feelings or movements may be traced in intimate relation to their improved perfect state; their sports have always affinities to their modes of hunting or catching their food; and young birds, even in the nest, show marks of fondness, which, when their frames are developed, become signs of actions necessary to the reproduction and preservation of the species. The desire of glory, of honor, of immortal fame, and of constant knowledge so usual in young persons of well-constituted minds, cannot, I

think, be other than symptoms of the infinite and progressive nature of intellect—hopes which, as they cannot be gratified here, belong to a frame of mind suited to a nobler state of existence.”

A friend, whose poetry we have long admired for its simple and quiet beauty, has lately printed a book, in a private edition of twenty-five copies, one of which is before us by his courtesy. We can conceive of no way in which a man of refined, but peculiar and retired taste, may give pleasure to his friends so unobtrusively. There are minds of fine construction, in the sheltered places of society, to whom the soiled and envious palm of ambition seems little worth the winning—many, whose delicacy shrinks from the personal and familiar grossness of criticism—and some, perhaps, who, feeling that their taste is different from the prevailing one of the time, are unwilling to venture against the popular current—and for these to collect a volume, like the one before us, for friends and kindred tastes alone, is at once delicate and delightful. Such a book is, of course, no theme for criticism here. We feel, however, that our readers, if we have not mistaken the class for which we write, would have shared our pleasure in its perusal, and we beg pardon of the author, while we extract a single passage, which we have marked in “The Waterfall.”

Impetuous Torrent! other times,
And other men from distant climes
Have now arriv'd; and thou, despoil'd
Of all thy charms, thy proud waves soil'd
By busy art,—shalt be a theme
Fit only for a poet's dream!
Yet should the forest shade no more
The banks o'er which it wav'd before,
And all thy lovelier features too
Vanish for ages from the view,—
Still through the mournful waste shalt thou
Pursue thy rapturous course as now:
And when the race that here bear sway
Are in oblivion swept away,
Thou shalt resume thy pristine reign—
And, decked in beauty once again,
Shalt the brown hunter's heart rejoice,
And wake the forest with thy voice!

We noticed with some surprise, a week or two since, a scurrilous paragraph in the New York Morning Courier, abusing with a very unnecessary violence, a piece of poetry which appeared in this Magazine, asserting that it was written by the Editor, and accusing us of a universal imitation of P. M. Wetmore, Esq. The ungentlemanly character of the

attack would have placed it, with many other things of the same kind, beneath our notice, were it not for the last insinuation. We would merely remark, in reference to this, that, in the first place, we did not write the piece from which he proves the imitation, and in the second place, that not being in the habit of reading the papers, we have never had the good fortune to meet with more than one piece of Mr. Wetmore's, (a theatrical prize address.) Since the attack of this Editor, however, (whom we dismiss here) we have been at some pains to look up Mr. Wetmore's productions, and have read them with unusual pleasure. We do not regret the circumstance, disagreeable as it is, which has made us acquainted with the productions of an American writer of so much grace and spirit. Among other things we find of his, are the following graphic stanzas upon GREECE :—

Land of the pencil and the lyre,
The marble and the dome!
Whose name is to the muse a fire,
Whose temples are a home—
Clime of a wealth unbought!
Where Genius long enshrined
His treasury of thought—
The Peru of the mind!

Land of that unforgotten few!
The breathing rampart-rock
That towered a Pelion to the view,
When burst the battle-shock!
Clime of the fair and brave!
When will the tale be o'er,
Of warriors in the grave—
Of maidens in their gore?

Land of the fettered slave!
Thy bonds shall burst asunder—
Freedom is on the wave—
Hark to the echoing thunder!
The red cross banner gleaming,
And Gallia's white field streaming,
And the black eagle screaming,
Sweep o'er the Ægean sea;
The Moslem horde is shrinking—
The Crescent's glory sinking—
And the land of song is free!

We were thinking just now that we had transgressed our limits, and had thrown aside till next month a capital number of the Collegian, (the translation from the German is admirable, and the Editorials gracefully and pleasantly written) and several numbers of the Cincinnati American, a new Clay paper edited, we are proud to say, with gentlemanliness and dignity by our

friend Mr. Thomas—we say we had just laid these aside for want of room, and were shaving down our crow-quill to say something grateful to our old subscribers, who, we thank them, have all remained with us, and to our new ones, whose names we read over daily with a flush of pride on our cheek, when at the last moment, (characteristically enough—we have known the author as “the late Mr. Dawes” ever since by your favor, dear Reader, we have afforded a spare plate at our table) enters a “devil” in hot haste with a book and compliments to the Editor. Perhaps you don’t know the difficulty of getting in an article when there is no room for it—we can’t describe it to you, but on such occasions the printers (the most conscientious class of men in the community) are said to swear! We ran our spectacles back over the proof sheets to see what we could take out for it. By the sacrifice of three pieces of poetry, and a long rigmarole about May-Day and apple-blossoms in the first part of our Table, we have crowded back a page or two, and, with your leave, introduce to you in their room, the “Valley of Nashaway and other Poems,” a beautifully printed volume of some ninety pages, by Rufus Dawes. Mr. Dawes has been long known as a poet, and his contributions to the U. S. Literary Gazette were much read and admired. He is, perhaps, however, better known among his friends for an infallible and exquisite perception of beauty—a quality which, by its entireness and the unhesitating manner in which he follows its dictates, unfits his productions for all the outer circles both of critics and readers. No idea or circumstance that has in it the least element of moral or physical beauty, is too humble or too familiar for his notice. It makes little difference to him whether his heroine is a born lady or a lady’s maid—so her passion is true. It would stir his heart as soon to see a blind beggar weeping over his dead dog, as the Scotch knight watching the last struggles of Keeldar. He knows no vulgarity in feeling, and bright honor is a jewel that he will pick up, though it lie upon a dunghill. Of course he is exceedingly open to criticism, and may, and will, be ridiculed by many critics who are neither coarse nor indiscriminating, simply because they have not known the man, and cannot understand the glorious alchymy by which his fine mind separates, from the basest alloy, the shining ore of truth. His poem of Margaret, we do believe, was written with as mounting a pulse and as moist an eye as ever answered to the springing images of poetry—and yet we should be surprised if one listener in a hundred to whom it should be read did not smile at its natural, yet simplest circumstances.

It is a story of a servant girl who fell in love with the son of her mistress. It is thus told :—

She ne'er essayed his plighted love to try,
By common arts of female coquetry,
But nursed the passion quietly within ;
A passion, such as never dreamt of sin ;
And often would she sit, and watch the smile
Of her dear infant charge, and dream the while
Of Albert, as she marked within their faces,
His miniature, with all imagined graces ;
And she would stand at table, and lift up
Her lovely eyelids, as she filled his cup,
So tremblingly, so innocently loving,
Without a hope, or e'en a *wish* of moving ;
Crushing with her dark lashes, the rude tear
That would have wet her cheek when he was near !

But Margaret was wary—though she knew
No rude suspicion, with her loved one grew ;
And she would save, untouched, the plate he used,
And thence partake the viands he refused.
Kind hearted girl ! so humble and so true,
What happy thought those simple moments knew !

But Time drank up her tears, and Sorrow now,
Wept out her life blood—and her pallid brow
Grew deadly, and the hectic on her cheek
Mocked the dull roses, and her voice grew weak.
Her lips were red—but with the purple tide
That bubbled from her heart,—and so she died.

We leave this class of his productions, however, and turn with pleasure to those whose beauty will not be disputed, we think, by the most supercilious. The first poem, the Valley of the Nashaway (qu. Nashua ?) is written in pentameters for which we have an aversion, but it has many beautiful lines. The opening is graceful :—

The queen of May has bound her virgin brow,
And hung with blossoms every fruit-tree bough ;
The sweet south-west, among the early flowers,
Whispers the coming of delighted hours,
While birds, within the heaping foliage, sing
Their music-welcome to returning Spring.

Oh, Nature ! loveliest in thy green attire,
Dear mother of the passion-kindling lyre ;
Thou, who in early days, upled'st me where
The mountains freeze above the Summer air ;
Or lured'st my wandering way beside the streams,
To watch the bubbles as they mocked my dreams,
Lead me again, thy flowery paths among,
To sing of native scenes, as yet unsung !

There are one or two exquisite passages :—

“ Couched on thy emerald banks, at full length laid,
Where classic elms grew lavish of their shade,

How oft, with Mantua's bard, from school let free,
I've conn'd the silver lines that flow like thee."

"Romantic river! on thy quiet breast,
While flashed the salmon with his lightning crest,
Not long ago the Indian's thin canoe
Skimmed lightly as the shadow which it threw."

We cannot be very liberal of extract, however, and with one more we close:—

Yes! still I love thee—Time who sets
His signet on my brow,
And dims my sunken eye, forgets
The heart he could not bow;—
Where love, that cannot perish, grows
For one, alas! that little knows
How love may sometimes last;
*Like sunshine wasting in the skies,
When clouds are overcast.*

The dew-drop hanging o'er the rose,
Within its robe of light,
Can never touch a leaf that blows,*
Though *seeming*, to the sight;
And yet it still will linger there,
Like hopeless love without despair,—
A snow-drop in the sun!
A moment finely exquisite,
Alas! but only one.

I would not have thy married heart
Think momentarily of me,—
Nor would I tear the cords apart,
That bind me so to thee;
No! while my thoughts seem pure and mild,
Like dew upon the roses wild,
I would not have thee know,
The stream that seems to thee so still,
Has such a tide below!

*Enough! that in delicious dreams,
I see thee and forget—
Enough, that when the morning beams,
I feel my eye-lids wet!*
Yet, could I hope, when Time shall fall
The darkness, for creation's pall,
To meet thee—and to love,—
I would not shrink from aught below,
Nor ask for more above.

We meant to have given a sketchy glance at the Gallery of Pictures just opened at the Athenæum, but we are at the end of our tether. Our country Readers will need to be informed, perhaps, that the yearly exhibition for two months of valuable pictures from every part of the country, in a noble hall built

* An exquisite thought, rather indistinctly expressed—alluding to the fact that the dew never penetrates to the leaf.—ED.

for the purpose, is quite an event among us. To look at the Pictures, after the first day or two, is the least object of visiting the Gallery. It is a kind of fashionable Exchange, where, in the Spring dearth of parties, gentlemen and ladies come to refresh their memories with each other's faces. The light is very becoming there, and the gray floor cloth is a dainty relief for the foot, and between the high pictures and the perspective tubes, there is no attitude, be it ever so picturesque, that may not in the eye of charity come under the head of chance or unconsciousness. Then in the low hum of the room, an undertone may be beautifully modulated, and what with old masters and young masters, it is the lady's fault if she does not find a theme to be eloquent upon. Oh, there's nothing like it! The "premature white hat" of the beau, and the light straw of the belle, are sported first at the Gallery. Misses in teens hang a glass at their belts, and take there the first lesson in near-sightedness. Idle men come there to lounge, impudent men to stare, Editors to refresh their bleared een and get matter for articles—and the ladies (Heaven bless them!) come because it is their own sweet will, and with no desire, we dare be sworn, to see anything but Doughty's soft landscapes, and the grand old head of the Dying Seneca. Talking of pictures however, there is an artist exhibiting this year who has been little if ever spoken of before—Mr. Codman. Look at his pictures, if you please. Allston and Fisher and Doughty, everybody knows, need no trumpeter. But the Pirate's Retreat by Mr. Codman, and the Calm in Boston Harbor by Salmon, and the exquisite miniature of Garafilia, the lamented Greek girl, by Miss Hall, might not catch your eye, beautiful as they are, unless they were pointed out to you. You will admire Harding's great picture of course. It is a noble effort, but we think his portrait of Col. Wainwright hardly less admirable. Pratt's head of Mr. Greenwood is capital, too, and Kidder's Lottery Office is delightful. After you have admired the modern pictures, go and study the martyrdom of St. — we forget his name—the Titian. You never saw drawing and coloring like it. Broiling a man, is not, to be sure, the most agreeable subject, but there is a strange fascination in the picture notwithstanding. And then if you would find food for thought, and study how a philosopher (or Christian) may die, sit down before the Dying Seneca, and forget everything about you in the divine and triumphant sublimity of his countenance. We may be mistaken in our taste, but of the old pictures this is our passion. We have no more room.